

REPORT TO: Cabinet

MEETING DATE: 12 September 2017

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Summary of Contracts Awarded by East Lothian Council,
1 February – 31 August 2017

1

1 PURPOSE

- 1.1 To advise Members of all contracts awarded by the Council from 1 February to 31 August 2017 with a value of over £150,000.

2 RECOMMENDATIONS

- 2.1 To note the award of contracts with a value of over £150,000 from 1 February to 31 August 2017, as listed in Appendix 1 to this report.

3 BACKGROUND

- 3.1 Details of all contracts awarded by the Council are lodged in the Members' Library Service. Appendix 1 to this report contains details of all contracts with a value of £150,000 and above which have been awarded since the last meeting of the Cabinet.
- 3.2 Members are asked to note that reports relating to contracts can be accessed via the following link to the Members' Library Service on the Council's eGov system:

http://www.eastlothian.gov.uk/site/scripts/meetings_committees.php?headerID=102

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None.
6.2 Personnel - None
6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 None

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DATE	31 August 2017



**SUMMARY OF CONTRACTS AWARDED WITH A VALUE OF £150,000 AND ABOVE
FOR THE PERIOD 1 FEBRUARY – 31 AUGUST 2017**

Originator	Report Title/Project Summary	Contract Awarded To	Contract Value	Members' Library Reference
Depute Chief Executive (Partnerships and Community Services)	Proposed Refurbishment of Existing Ground Floor to Provide Nursery Accommodation at the Red School Building, Prestonpans	Clark Contracts Ltd, Paisley	£517,144.63	42/17 (March 2017 Bulletin)
Depute Chief Executive (Partnerships and Community Services)	Proposed Structural Alterations, External Repairs and Internal Re-instatement at 38 High Street, Haddington	Ashwood Scotland Ltd, Bathgate	£212,917.12	47/17 (March 2017 Bulletin)
Depute Chief Executive (Partnerships and Community Services)	Proposed Internal Alterations and Window Replacement at Kings Meadow Primary School, Haddington	Bell Group Ltd, Kirkcaldy	£252,659.56	83/17 (July 2017 Bulletin)

31 August 2017

REPORT TO: Cabinet

MEETING DATE: 12 September 2017

BY: Depute Chief Executive - Resources and People Services

SUBJECT: Freedom of Information (Scotland) Act 2002 and Data Protection Act 1998 – Compliance Statistics
Regulation of Investigatory Powers (Scotland) Act 2000 – Statistics

2

1 PURPOSE

- 1.1 To report on the Council's compliance with the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 for the period from 1 October 2016 to 30 June 2017.
- 1.2 To report on the Council's compliance with the 40 calendar day timescale laid down by the Data Protection Act 1998 for the period from 1 October 2016 to 30 June 2017.
- 1.3 To report on the Council's use of the Regulation of Investigatory Powers (Scotland) Act 2000 for the period 1 April 2016 to 30 June 2017.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to note the report and for Members to provide feedback on the compliance statistics.

3 BACKGROUND

- 3.1 **Freedom of Information (Scotland) Act 2002** - During the period 1 October 2016 to 30 June 2017, East Lothian Council operated in accordance with the statutory requirements, particularly:

Requests for information – to be answered within 20 working days

Requests for review – to be answered within 20 working days by a Chief Officer or an officer nominated by them.

If requesters remained dissatisfied after completing this process, then they had a legal right to appeal to the Scottish Information Commissioner (SIC).

3.2 Freedom of Information (FOI) statistics are recorded by Licensing, Administration and Democratic Services. Guidance on how to handle information requests, and requests for review, is published on the Council's intranet, accessible to all employees.

3.3 The total number of FOI requests received from 1 October 2016 to 30 June 2017 was 1,039. By way of comparison, 659 requests were received during the previous half year reported (1 April 2016 to 30 September 2016). Overall numbers of FOI requests have been increasing steadily since the Freedom of Information (Scotland) Act 2002 came into force.

This figure includes information requests processed under the Environmental Information (Scotland) Regulations 2004 (EIR). A split of the FOI and EIR requests is provided at 3.5 of this report.

3.4 The total number of requests for review received from 1 October 2016 to 30 June 2017 was 19. By way of comparison, 14 review requests were received during the previous half year reported (1 April 2016 to 30 September 2016).

This figure includes reviews processed under the Environmental Information (Scotland) Regulations 2004 (EIR). A split of the FOI and EIR reviews is provided at 3.6 of this report.

3.5 Since January 2013, the recording system used has distinguished between FOI requests and requests falling within the Environmental Information (Scotland) Regulations 2004 (EIR). The table below provides a breakdown of the response timescales for both FOI and EIR requests between 1 October 2016 to 30 June 2017:

	FOI		EIR	
On time	791	91%	77	76%
Late	76	9%	24	24%
Lapsed/Written Off	0		0	
Date of Completion Unknown	0		0	
Cancelled/Withdrawn	11		1	
Suspended	34		2	
Invalid	21		2	
Ongoing	0		0	
TOTAL ACTIONED	933		106	

3.6 The table below provides a breakdown of the response timescales for FOI and EIR requests for review between 1 October 2016 to 30 June 2017:

	FOI		EIR	
On time: Within 20 Working Days	13	87%	0	0%
Late	2	13%	2	100%
Upheld	9		1	
Partially Upheld	3		0	
Overtuned	2		0	
Additional Info Provided	0		1	
Invalid	2			
Total Received	17		2	
Total Actioned	16		2	
Still Outstanding	1*		0	
Grand Total of Internal Reviews	19			

*At the time of writing this report, one FOI review received between 1 October 2016 and 30 June 2017 remains outstanding but has missed the 20 working day deadline. It has therefore been included in the “Late” figures.

3.7 The top three enquirers were:

- 1) General Public
- 2) Commercial Organisations
- 3) Journalists

3.8 **Data Protection Act 1998** – East Lothian Council operates in accordance with the statutory requirements, particularly:

Requests for personal information (“Subject Access Requests”) – to be answered within 40 calendar days

3.9 Data Protection (DP) statistics are recorded by Licensing, Administration and Democratic Services. Guidance on how to handle requests for personal information (“Subject Access Requests”) is published on the Council’s intranet, accessible to all employees.

- 3.10 The total number of DP “Subject Access Requests” received from 1 October 2016 to 30 June 2017 was 51. By way of comparison, 22 requests were received during the previous half year reported (1 April 2016 to 30 September 2016).

Completed on time (within 40 calendar days)	24	86%
Late	4	14%
Suspended	23	
Withdrawn	0	
Ongoing	2*	
Total Actioned	49	

*At the time of writing this report, two “Subject Access Requests” received between 1 October 2016 and 30 June 2017 remain outstanding but have missed the 40 calendar day deadline. They have therefore been included in the “Late” figures.

- 3.11 **Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA)** - During the period 1 April 2016 to 30 June 2017, East Lothian Council operated in accordance with the statutory requirements and particularly that all covert surveillance is carried out within the remits of the law.
- 3.12 RIPSA statistics are recorded by Licensing, Administration and Democratic Services. Guidance on how to handle surveillance requests is published on the Council’s intranet, accessible to all employees.
- 3.13 The total number of surveillance requests authorised under RIPSA legislation by East Lothian Council during the period 1 April 2016 to 30 June 2017 was 4.

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
- 6.2 Personnel - None
- 6.3 Other – None

7 BACKGROUND PAPERS

7.1 None

AUTHOR'S NAME	Kirstie MacNeill
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CONTACT INFO	Ext: 7164 Email: kmacneill@eastlothian.gov.uk
DATE	25 August 2017

REPORT TO: Cabinet
MEETING DATE: 12 September 2017
BY: Chief Executive
SUBJECT: Corporate Risk Register 2017

3

1 PURPOSE

- 1.1 To present to Cabinet the Corporate Risk Register 2017 for discussion, comment and approval.

2 RECOMMENDATIONS

- 2.1 It is recommended that Cabinet approves the Corporate Risk Register for 2017.
- 2.2 In doing so, Cabinet is asked to:
- agree that the relevant risks have been identified;
 - agree that the significance of each risk is appropriate to the current nature of the risk;
 - agree that the total profile of Corporate Risk can be borne by the Council at this time in relation to the Council's appetite¹ for risk;
 - recognise that, although while Corporate Risks require close monitoring and scrutiny throughout 2017, many are in fact long term risks for the Council that are likely to be a feature of the risk register over a number of years; and,
 - note that the Council Management Team will review all risks in the Corporate Risk Register on a regular basis.

3 BACKGROUND

- 3.1 In keeping with the Council's risk management strategy, the Corporate Risk Register has been updated following a review by the Corporate Risk Management Group on behalf of and in consultation with Council Management Team.

¹ How much risk the council can bear, or could be willing to take in pursuit of an opportunity (if it were judged to be (1) worthwhile pursuing and (2) the council was confident in its ability to achieve the benefits and justify the risk).

- 3.2 In presenting the proposed Corporate Risk Register 2017 to Cabinet for approval, the Council Management Team would wish to draw the Committee's attention to one specific matter. All risks have been evaluated using the standard (5x5) risk matrix which involves multiplying the likelihood of occurrence of a risk (scored 1-5) by its potential impact (scored 1-5). This produces an evaluation of risk as either 'low (1-4)', 'medium' (5-9), 'high' (10-19) or 'very high' (20-25).
- 3.3 The Council's response in relation to adverse risk or its risk appetite is such that:
- Very High risk is unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position
 - High risk may be tolerable providing the Council is assured that adequate and effective control measures are in place
 - Medium risk is tolerable with control measures that are cost effective
 - Low risk is broadly acceptable without any further action to prevent/mitigate risk.
- 3.4 The 2017 Corporate Risk Register includes 1 Very High risk, 9 High risks, 7 Medium risks and 1 Low risk.
- 3.5 In accordance with the Risk Management Strategy 'Very High' and 'High Risks' identified in the Corporate Risk Register will be subject to closer scrutiny by the Council Management Team, the Cabinet and the Audit and Governance Committee.

4 POLICY IMPLICATIONS

- 4.1 In approving this report the Council will be further establishing a policy that will ensure risk management principles are embedded across the Council.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – It is the consideration of the Corporate Risk Management Group that recurring costs associated with the measures in place for each risk are proportionate to the level of risk. The financial requirements to support the Register for 2017 should be met within agreed budget allocations. Any unplanned and unbudgeted costs that arise in relation to any of the corporate risks identified will be subject to review by the Council Management Team and if required will be reported to Council.

- 6.2 Personnel – There are no immediate implications.
- 6.3 Other – Effective implementation of this register will require the support and commitment of the Risk Owners identified within the register.

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – Corporate Risk Register

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DATE	31st August 2017

East Lothian Council Corporate Risk Register (V23: 31st August 2017)

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
ELC CR 1	<p>Welfare Reform</p> <p>The rollout of Universal Credit, (UC) in East Lothian started in April 2015. Whilst initially involving only a small number of cases the subsequent rollout by JCP/DWP of the Universal Credit Full (Digital) Service in East Lothian on 23rd March 2016 has seen a significant number of households migrate from legacy benefits to UC.</p> <p>This phase is called "Natural Migration". It will be followed by a "Managed Migration" phase during which all remaining working age HB cases will migrate to UC Housing. In spite of a reducing HB caseload, there has been a significant increase in workload as a result.</p> <p>The main risks/issues associated with the UC rollout include:</p> <ul style="list-style-type: none"> A wider range of people in scope for claiming UC & higher volume of cases as a consequence Additional demand for (SWF) Crisis Grants. (Risk of overspend) % increase in current tenant rent arrears An increased risk of lowered take up of Council Tax Reduction and increased arrears Increased risk of DWP Admin Subsidy reduction Temporary Accommodation management charges not being covered by UC Housing Costs. Increased demand for Discretionary Housing Payments, (DHP) risk of funding gap. <p>A reduction in DWP (UC related) funding which has been supporting, the Welfare Development Officer and additional Benefit Officer posts along with Personal Budgeting Support and Digital Assistance for UC claimants could jeopardise these elements of service delivery.</p>	<p>The Council has established a Welfare Reform Task Group to plan for the changes to the welfare system.</p> <p>The Benefit Service is continuing to make full use of additional Discretionary Housing Payment, (DHP).</p> <p>Council has actively lobbied in various relevant arenas – UK and Scottish Governments both directly and via COSLA which has included the Council Leader writing to both the DWP Secretary of State and Scottish Government ministers highlighting the impacts of the UCFS rollout of EL residents and Council Services.</p> <p>The Benefit Service continues to liaise with the DWP Housing Delivery Performance Team</p> <p>The Benefit Service continues to monitor its SWF & DHP expenditure.</p> <p>Revenues & Benefits Services engage with colleagues in other LAs/RSLs, CoSLA and DWP UC/Job Centre Plus officers to ensure a managed transition to Universal Credit is achieved.</p> <p>Castle Rock HA providing personal budgeting support for East Lothian UC claimants.</p> <p>Additional resource facilitated the purchase of software deployed to assist the Rent Income team to help manage the impact of UC on rent collection.</p> <p>Promotion of ELC 'Right Benefit Campaign'.</p> <p>DWP funding has been utilised to appoint a Welfare Development Officer and an additional Benefit Officer to assist in responding to UC pressures. Both posts are temporary for 1 year.</p> <p>Council Officers continue to engage with Scottish Government, MSPs/Members of the Scottish Parliament's Social Security Committee in relation to development of devolved welfare administration.</p> <p>Additional £100k was allocated in the Administration budget 2017/18 to help mitigate the impact of UC on rent arrears.</p>	5	4	20	<p>Council officers to deliver Welfare Reform briefing to newly elected Members.</p> <p>Council services will continue to work with the UC Project Team and continue lobbying of UC.</p> <p>The Benefits Service and Homelessness Team have agreed a methodology to disburse additional Scottish Government funding provided for DHP mitigation of Temp' Accommodation management fees and for the prevention of homelessness.</p> <p>Council services will continue to take an active role in discussions with the Scottish Government in the development of the Scottish Social Security Agency.</p> <p>ELC Management & staff will continue to engage with other LAs, JCP/DWP, CoSLA and Scottish Government at a range of levels.</p>	4	4	16	<p>Depute Chief Executive – Resources and People Services</p> <p>Depute Chief Executive – Partnerships and Community Services</p> <p>Welfare Reform Task Group</p>	<p>October 2017</p> <p>Scottish Social Security Bill approval date May 2018.</p> <p>DHP & Homelessness Prevention budget review 4 October 2017</p> <p>All other measures involve meetings over the next 9 months with Scottish Government and other groups as mentioned within the measures.</p>	<p>Risk refreshed by Service Managers – Benefits & Financial Assessments and Revenues & Welfare Support July 2017 with no change to assessment of current scores.</p> <p>Risk refreshed by Service Manager – Benefits, November 2016 with Current Risk Score increased from 16 to 20 due to the introduction of the Universal Credit "Full Service" since March 2016 with its inherent, underdeveloped processes etc along with other reforms coming on line, (such as Benefit Cap etc) all bringing a greater likelihood of detriment occurring, (should mitigating actions not be possible or fail to mitigate).</p> <p>Risk refreshed by Service Managers – Revenues & Benefits March 2016 with both current and planned scored increased to 16 due to current uncertainty.</p>
ELC CR 2	<p>Financial Pressures</p> <p>If the council's financial pressures were not to be successfully planned for and managed effectively over the medium to longer term (i.e. the next 3 and possibly up to 7 years), there would be a serious risk of unplanned/ reactive budget realignments with significant adverse impact on availability and quality of both front-line services and required investment in the Council's infrastructure and asset base.</p> <p>Over the medium term it is highly likely that the Council's income will, at best, remain static and may</p>	<p>The Council has well developed short to medium term financial planning arrangements. These include:</p> <ul style="list-style-type: none"> Three year General Services revenue budgets; Six year General Services capital plan budgets; Ten year Housing Revenue Account revenue and capital budgets. <p>In addition, it has cost control and financial management arrangements for managing in year budget performance. Both of which provide mitigating</p>	4	4	16	<p>CMT/Managers continue to follow the financial strategy i.e. cost control/ cost minimisation to ensure delivery of agreed savings. This is also being monitored closely through the continued operation of the Chief Executive's Budget Review Group.</p> <p>Through the Corporate Asset Group and the newly formed Corporate Investment and Asset Management Group the Council will implement the approved Asset Management</p>	3	4	12	<p>Chief Executive</p> <p>Depute Chief Executive – Resources and People Services</p> <p>Depute Chief Executive – Partnerships and</p>	<p>Action ongoing and continuous review.</p> <p>Monitoring arrangements will continue to be applied.</p>	<p>Risk reviewed by Head of Council Resources and Service Managers - Finance May 2017 with Current Score reduced from 20 to 16.</p> <p>Risk reviewed by Head of Council Resources and Service Manager</p>

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
	<p>even reduce. At the same time it will have specific cost and demand pressures to deal with. These include:</p> <ol style="list-style-type: none"> (1) demographic change and social-economic pressures - increasing pupil and elderly numbers; (2) general inflationary pressures and contractual commitments including pay and pensions; (3) specific cost pressures such as the affordability of the increasing number of high-cost individual care packages; and (4) potential financial costs associated with legislative changes such as a number of environmental issues, delivery of increased childcare commitments and Free School Meals for all P1-P3 school children. 	<p>controls in terms of the immediate financial risk and pressures the Council is faced with.</p> <p>There continues to remain significant uncertainty in terms of the longer term financial projections for the public sector with the expectation that the current austerity measures will remain in place until at least 2019/20. The current financial strategy covers the medium term planning period of the next 3 financial years however this is likely to be extended to ensure that the Council is placed to meet the future challenges if current forecasts emerge.</p> <p>Partnership working with Midlothian Council and other partners is being developed to increase capacity to provide services within existing resources. The Council has also made significant progress towards implementation of the new Integrated Health and Social Care Partnership with effective shadow arrangements put in place prior to 1 April 2016 and the statutory Integration Scheme is finalised.</p> <p>Continue to closely monitor information arising from both UK and Scottish Financial settlements through intelligence gathered from COSLA, professional bodies such as CIPFA Directors of Finance and also professional commentators.</p>				<p>Strategy and related action plan.</p> <p>CMT will continue to monitor the impact of council restructuring and service re-design that flows from Efficient Workforce Management Planning.</p> <p>Further consideration will be given to increasing income where possible.</p> <p>The Workforce Development Plan is a key part of the Council's response to increasing financial pressures. It aims to support transformational change, build and sustain leadership and management capacity, sustain a skilled, flexible and motivated workforce and develop the workforce for the future.</p> <p>The Chief Executive has established a sub-group to the CMT that will oversee delivery of a programme of strategic change projects that will help improve services and secure planned efficiencies.</p>				<p>Community Services</p> <p>Head of Council Resources</p> <p>Council Management Team</p>		<p>Business Finance May 2016 with no change to assessment of current scores.</p> <p>Risk reviewed by CMT in May 2014 and current score increased from 15 to 20.</p>

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
ELC CR 3	<p>Information Security and Data Protection</p> <p>Failure to have comprehensive council wide Information Security Management (ISM) measures in place will put at risk the availability, integrity and confidentiality of the councils information and may cause a Council wide failure of central I.T. systems (incl. Telephony) caused by a malicious attack by hackers, virus, trojan, disclosure of information or Fire/Flood event.</p> <p>Attacks via spam emails containing infected ransomware attachments are on the increase amongst local authorities and should these emails manage to break through Firewalls and Intrusion Detection Systems there is a high possibility of file encryption at both a local and network wide levels.</p> <p>The Cabinet Office has introduced zero tolerance for all LA's connected to the Public Sector Network (PSN). All Scottish LA's use the PSN to register Births, Marriages & Deaths and connection to DWP for benefit provision. We have to re-accredit to this network every year and must meet stringent requirements. Failure to do so would mean disconnection from the PSN.</p> <p>Breach of the Data Protection Act, other confidentiality requirements, any relevant laws or duty of care through the loss or wrongful transmission of information (including information stored electronically) could result in</p> <ul style="list-style-type: none"> - harm to individuals; - legal action; - fines of up to £500,000. - requirement to pay compensation; - adverse publicity; - damage to reputation. 	<p>The Council uses the international standard ISO 27001:2014 as the framework for its ISM system. This includes objectives, policy framework, internal audit, management support and treatment, training and awareness, risk assessment, measurement of effectiveness, management review, non-conformity management and continual improvement.</p> <p>As part of the security controls required by the standard to mitigate risks, several control areas are set out : IS policy; Information security organisation; Human resources security; Asset management; Access controls and managing user access; Physical & Environmental security of all sites/equipment, Secure communications, Data handling and Data Protection (including paper documents etc); Secure acquisition, development, and support of information systems; Security for suppliers and third parties; Information Security Incident management; Business continuity/disaster recovery (to the extent that it affects information security);</p> <p>Compliance - ELC takes measures to avoid breaches of law, statutory, regulatory or contractual obligations (incl. DP Act and Public Records Act).</p> <p>There is a Council Information Security (IS) Forum hosted by the IT Security Officer.</p> <p>IS, DP and Records Management Awareness training now forms part of our induction process for new employees. Data Protection and IS awareness training is mandatory for all employees and must be renewed every two years.</p> <p>IT health checks on the existing infrastructure are carried out annually. New systems being introduced to our infrastructure are risk assessed and security checked before introduction to ensure they meet criteria.</p> <p>The Information Compliance Officer carries out a series of "health checks"/audits in various Council departments to ensure compliance and to improve practice. Compulsory Online Data Protection Training rolled out to all employees and repeated every 2 years.</p> <p>The Council's Records Management Plan covers how the Council manages its records and includes links to our information security and data protection policies.</p>	4	4	16	<p>Annual approval of Progress of Records Management Plan by The Keeper is sought.</p> <p>Upgrade of external facing systems taking place in 2017/18 to increase security of our internet facing gateways.</p> <p>Acceptable use policy for all ELC employees is to be refreshed during 2016 and all employees will be expected to sign.</p>	3	4	12	Depute Chief Executive – Resources and People Services Head of Council Resources Depute Chief Executive – Partnerships and Community Services	<p>August 2017</p> <p>March 2018</p> <p>December 2017</p>	<p>Risk further reviewed and updated March 2017 with no change to assessment of current scores.</p> <p>Risk further reviewed and updated May 2016 with no change to assessment of current scores.</p> <p>Risk reviewed March/April 2015 with new measures now in place although risk score remains at 16 due to the increase of attacks via spam emails containing infected ransomware attachments amongst local authorities.</p>

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
ELC CR 4	<p>Public Sector Reform</p> <p>Major elements of public sector reform have been or are being implemented including:</p> <ul style="list-style-type: none"> Integration of Health and Social Care and creation of a new H&SC Partnership; Implementation of the Community Empowerment (Scotland) Act 2015; New legislative duties in relation to procurement, regulation, and children and young people. <p>However, the Scottish Government and the Accounts Commission have reflected that the pace of public sector reform across the Scottish public sector is slower than they had expected.</p> <p>Following the Scotland Act 2016 there is continuing uncertainty about the future governance of Scotland, the future structure and governance of local government and the public sector and continuing pressure on public finances.</p> <p>The Scottish Government's legislative programme includes further proposals that, if implemented, could further centralise control over, and reduce the powers of, local government. Such proposals include moving responsibilities and funding for education and schools from Councils to Head Teachers; creating new 'educational regions'; decentralising local authority functions and budgets; setting arbitrary targets for devolving funding; and, further review and reform of community planning.</p> <p>The cost of implementing changes arising from legislation is not always fully reflected in Scottish Government funding. In addition, the Scottish Government's commitment to protect and increase funding in priorities such as health and education run the risk of further eroding Scottish Government funding for other local government services.</p> <p>The local authority is responsible for the implementation and delivery of the Scottish Government's commitment to expand the provision of funded early learning and childcare from 600 hours to 1140 hours by 2020. The expansion and implementation of the 1140 hours early learning and childcare provision will require a transformational change in how early learning and childcare is delivered and has implications for the future funding arrangements for ELC. The expansion to 1140 hours ELC will create additional workload, a requirement to invest in infrastructure to create new and expand existing early learning and childcare settings, develop new service delivery models, develop new accountability and quality assurance arrangements in line with the Scottish Government's Quality Action Plan, and create and plan for a more flexible and diverse workforce to meet the Scottish Government's principles of flexibility, quality, affordability and accessibility.</p>	<p>Effective working relations with key partners including Police Scotland, Scottish Fire and Rescue Service, NHS Lothian and the voluntary sector are being further developed through East Lothian Partnership and bi-lateral meetings and arrangements to prepare for public sector reform.</p> <p>The Council Management Team and Council or Cabinet receive reports on the implications of the reform proposals and on the Council's preparations, which are led by the Chief Executive and other senior officers.</p> <p>Responses to the Scottish Government on consultations around public sector reform are prepared and submitted as required. Financial and resource scoping is carried out as required.</p> <p>The Integration Joint Board has been established along with appropriate governance and scrutiny arrangements.</p> <p>The Community Planning Partnership structure provides a more strategic focus for the East Lothian Partnership including early intervention, tackling inequalities, joint resourcing, and joint asset management. This was tested by a Self-Assessment carried out with the support of the Improvement Service which resulted in an Improvement Plan.</p> <p>East Lothian Partnership is developing a new East Lothian Plan that will meet the requirements set out in the Community Empowerment (Scotland) Act 2015 to have a Local Outcome Improvement Plan.</p> <p>CMT and elected members work together to ensure that the Council is prepared for future public sector reform and differing scenarios for future governance, financial, operational and performance management arrangements are explored in order to minimise risk.</p> <p>Area Partnerships now established and will be supported to enhance local service delivery.</p> <p>The Council is developing processes to deal with its new duties and responsibilities arising from the Community Empowerment (Scotland) Act 2015 such as responding to Participation Requests.</p> <p>The Council's Transformation Programme will provide resilience to assist to respond to public sector reform.</p> <p>East Lothian Council has established an ELC 1140 hours Project Board to oversee the delivery of the expansion to 1140 hours by 2020. The Early Years Service, assisted by the Transformation Team is working collaboratively with a range of relevant partners to take forward key aspects of the implementation and expansion plan. The Early Years Service are members of the South East Inter Authority Alliance Early Learning and Childcare Group working collaboratively to support the delivery of the 1140 hours implementation and expansion programme.</p>	4	4	16	4	3	12	Chief Executive	<p>March 2018</p> <p>March 2018</p>	<p>Risk further reviewed and updated April and August 2017 with no change to assessment of current scores.</p> <p>Risk reviewed and refreshed May 2016 with Current Risk Score increased from 9 to 16.</p>	

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
	Existing public sector reforms and new reforms expected in the lifetime of the next term of SG create uncertainty, additional workload, a requirement to restructure services and create new accountability, governance, scrutiny and partnership arrangements. The Scottish Government's proposal to hold a second Independence referendum causes further uncertainty in the public sector landscape.	Senior leaders from across Council Services are represented on key National groups to inform and shape aspects such as revised national guidance and funding arrangements.										
ELC CR 5	<p>Limitation (Childhood Abuse) (Scotland) Bill</p> <p>On 16 November 2016 Scottish Government introduced the Limitation (Childhood Abuse) (Scotland) Bill to remove the three year limitation period for civil actions arising out of childhood abuse (defined to include sexual abuse, physical abuse, and emotional abuse) relating to children who have been in the care system. This means that survivors will no longer have to persuade a court to exercise its power to allow an action to proceed notwithstanding the three year limitation period.</p> <p>In conjunction with the Scottish Child Abuse Inquiry which started on 1 October 2015 there is an increased likelihood of claimants coming forward. This could potentially result in severe financial implications if historic allegations of child abuse are made and upheld against East Lothian Council.</p> <p>There is no way of knowing how many claims may be made nation-wide (i.e. all 'living' potential claimants), however, if there are any local claims to East Lothian it has been established that it is unlikely the Council will have an insurance policy to cover any claims. Any compensation payments would therefore normally be met by the Council unless other national funding is made available through the Scottish Government.</p>	<p>SCAI Oversight Group – East Lothian co-ordination of responses, reported strategically, managed flow and collaboration.</p> <p>Close monitoring of the work of the Scottish CAI itself and review of any published materials.</p> <p>Records Management Expertise allows us to respond effectively to information requests / provide evidence.</p> <p>Cross Lothian collaboration on Lothian Region period 1975 to 1996 (and predecessor authorities) re records management etc.</p> <p>Accurate records post 1996 relating to East Lothian Council clients.</p> <p>Scotland-wide networking and information sharing on SCAI between authorities.</p> <p>Council Financial Reserve – may reduce the impact to service provision if claims extend beyond budget.</p> <p>Continue current working practices with care experienced young people in accord with national legislation and care standards, reducing likelihood of any 'new' claims arising.</p>	4	4	16	<p>SCAIOG report to CMT – to sustain level of awareness of risk.</p> <p>Establish ELC as 'Risk Owner' to reflect the organisation risk faced by ELC.</p> <p>Lobby COSLA and Scottish Government re provision of a Financial support/national settlement fund.</p> <p>Angela - Legal challenge through COSLA??</p> <p>Explore and lobby Scottish Government to consider the powers of the Apology Act to provide a 'non-financial' outcome to the accusation process – if handled appropriately.</p> <p>Establish ELC liability insurance cover arrangements, including historic Municipal Mutual funds availability.</p> <p>Review case law nationally to establish 'who' is liable i.e. the Placing Authority or Placement Operator.</p>	3	3	9	East Lothian Council	Quarterly Report to CMT	New risk created March 2017.
ELC CR 6	<p>Flooding and Coastal Erosion</p> <p>As the incidence of flooding and coastal erosion increases as an impact of Climate Change, there is an increased risk of disruption to road and path networks, impact on public safety, damage to roads, property, harbours and natural heritage sites and an associated increase in claims against the Council.</p>	<p>Flooding and drainage issues are considered when processing planning applications. Inspection regimes and good housekeeping measures in place.</p> <p>The Severe Weather Response Plan has been developed and ensures a co-ordinated and consistent multi-agency response across the county. Emergency surface water, coastal and river flood procedures in place and have proven effective.</p> <p>Shoreline Management Plan has been produced and Flood Risk Management Strategy and Plans have been published to meet the requirements of the Flood Risk Management (Scotland) Act 2009.</p> <p>Flooding advice is on the Council website and directs people to the relevant pages on the SEPA website.</p> <p>The Council is working with various organisations to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland".</p> <p>Communication with vulnerable groups regarding access and assistance during severe weather events.</p>	4	4	16	<p>ELC have commissioned Flood Studies for Haddington and Musselburgh and are progressing a Flood Protection Scheme on the River Esk through Musselburgh.</p> <p>Flood Protection Schemes for Musselburgh and Haddington have been included in the List of Prioritised Actions in SEPA's Flood Risk Management Strategy and the Local Flood Risk Management Plan for the Forth Estuary Local Plan District.</p> <p>The implementation of Flood Protection Works is reliant on funding availability. Currently, these two schemes will be funded in the 2016-2022 planning cycle.</p>	3	3	9	Depute Chief Executive – Partnerships and Community Services Depute Chief Executive – Resources and People Services	2024 2016-2022	Risk further reviewed and updated March 2017 with no change to assessment of current scores.

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ELC CR 7	<p>Failure to maintain a Highly Skilled Workforce</p> <p>While private sector wages are beginning to increase the public sector pay rates remain at a lower level with little chance of comparable rises. The Council's salary and grading structure may not be competitive against other local authorities and the private sector making it more difficult to recruit qualifies staff to certain posts.</p> <p>The high number of specialist roles/skills within the Council means that service reviews, budget restrictions, long-term absence, cessation of contract etc. could compromise service delivery.</p> <p>Reduction in skilled, qualified and experienced workforce would result in an inability to provide good quality services, increased pressure on existing staff and increased likelihood of poor operational performance.</p> <p>The age profile of the Council staff is a concern as a large proportion of the workforce is aged over 55 years and many staff with significant knowledge and experience could leave the Council leaving the Council at risk in key areas.</p> <p>There is a risk that the Council will not be able to provide the significant investment in time and resources required to ensure staff maintain their professional and continuing personal development requirements in regulated services such as education and social work, but also to ensure that staff across all services are up-skilled and supported to develop their careers within the Council.</p>	<p>The Council's People Strategy and Workforce Development Plan provide the basis for addressing workforce capacity; these are informed by the Employee Engagement Survey, Investors in People Assessment, Age Profiling and Labour Turnover Data.</p> <p>Service Reviews take account of requirement for skilled workforce to deliver services.</p> <p>Key employment policies are monitored to ensure maximum effectiveness to meet operational needs: Recruitment & Selection, Pay & Grading, Managing Attendance and Performance Review & Development.</p> <p>Development programmes to ensure effective management and development of the workforce e.g. Management training (Chartered Management Institute level 3 and 5), Graduate Programme, Internship Programme, Modern Apprenticeship Programme, School/Work Placements Programme, Skills Academies.</p> <p>'Specialist' work and contingency measures such as cross-training, shadowing, alternative 'backup' provision and support arrangements made available to 'grow' capacity. Staff encouraged and supported to work collaboratively where appropriate to share skills, experience and knowledge.</p> <p>Employee Wellbeing Programmes in place to support staff and provide a range of employment opportunities including New Ways of Working, Worksmart Policy, Flexible Working Policy, Healthy Working Lives and Employee Benefits such as car leasing scheme, bike buying scheme, and childcare vouchers.</p> <p>Employees have access to the relevant pension scheme, either Lothian Pension Fund or Scottish Teaching Pension Scheme.</p> <p>Investors in People and Investors in Young People aide workforce retention and attraction, and positively influence the workforce age profile.</p> <p>Extensive workforce development and e-learning opportunities are available; with greater use of social media as the prime means of employee communications outwith team briefing and individual supervision opportunities available to all staff.</p> <p>EL Works working in partnership with schools and Edinburgh College to ensure skills supply keeps pace with demand and there are improved opportunities to support people into employment. EL Works supporting increasing numbers of paid work experience, Modern Apprenticeships, Foundation Apprenticeships, Graduate Apprenticeships and work placements.</p> <p>Investors in Young People accolade ensures the council is recognised as a great place for young people to work. EL Works supporting young people in the council to champion the process.</p>	4	3	12	<p>Review the Council People Strategy and develop a Workforce Plan, which will incorporate the Workforce Development Plan, and employee benefits.</p> <p>Provide series of recruitment selection policy training and practical skills workshops sessions for managers to maintain rigour and robustness of the recruitment process.</p> <p>Promote better use of the Exit Questionnaire across Services and develop the process further to allow the Council to capture departure trends more efficiently. This will enable the Council to put measures/actions in place where practical which will introduce alternative career paths which may negate the need for our people to seek alternative careers outwith the Council.</p> <p>Currently Reviewing Pay and Grading model to take account of the implications of the living wage on the erosion of differentials between skill sets.</p> <p>To ensure existing performance levels are at least maintained performance management issues are addressed at the early stages with appropriate training and support to address identified skills gaps. Where there is insufficient improvement the formal performance management process should be initiated with support from the HR Team as required.</p> <p>Creation of a Professional Development framework which can be applied where appropriate across Services where future skill gaps have been identified e.g. pending retirements/ lack of suitably qualified and experienced professionals in the market place etc. This helps ensure the necessary skill set is available to meet future service needs through the creation of professional trainee route.</p> <p>Whilst the policy to appoint to the first point of the scale will remain the default position, this will be relaxed in hard to fill posts on receipt of business case. Exceptionally, posts could be advertised without notification of appointment to first point of the scale as the norm.</p>	3	3	9	<p>Service Manager HR & Payroll</p> <p>Service Manager Corporate Policy & Improvement</p>	<p>October 2017</p> <p>March 2018</p> <p>March 2018</p> <p>March 2018</p> <p>Ongoing</p> <p>March 2018</p> <p>Ongoing</p>	<p>New risk created May 2016 and further revised July 2017 with no change to assessment of current scores.</p>

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ELC CR 8	<p>Duty of Care to Public and Public Protection</p> <p>The Council has a responsibility to provide care and support for the people of East Lothian and East Lothian's environment. Any breach of this duty of care may compromise legislative duties, health, safety and wellbeing, impacting on, for example, the protection of children and adults.</p> <p>Failure to fulfil the duty of care could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council.</p> <p>A failure to secure efficient and effective Public Protection arrangements, covering Child Protection, Adult Support and Protection, Offender Management, Violence against Women and Girls and Substance Misuse services, may see the Council being unable to fulfil its statutory duties/duty of care which could contribute to a service user suffering harm/death or detriment. This would in turn result in reputational damage to and increased scrutiny of the Social Work services.</p> <p>The duty of care is at the heart of the Council's approach to risk management. The likelihood of this risk occurring is influenced by a range of factors including:</p> <p>(1) Complexity of service delivery, infrastructure, environment and partnership arrangements across the Council services;</p> <p>(2) Increasing population and the number of vulnerable people in East Lothian;</p> <p>(3) Increased population and more complex service demands presented by an increasing number of service users whilst resources have reduced</p> <p>(4) Levels of deprivation in East Lothian;</p> <p>(5) Capacity in partnership and purchased services.</p>	<p>The East and Midlothian Public Protection Committee (EMPPC) was established in July 2014 to incorporate the Adult Protection Committee, Child Protection Committee, Offender Management Committee and Violence Against Women Partnership and to ensure robust links with Midlothian and East Lothian Drug and Alcohol Partnership (MELDAP).</p> <p>Review of Violence Against Women and Girls Services concluded and recommendations were agreed in July 2017.</p> <p>Governance and scrutiny arrangements in place through Critical Services Oversight Group (CSOG), including Self Evaluation. The Public Protection Office Business Plan is reviewed six monthly by CSOG.</p> <p>East Lothian and Midlothian Public Protection Strategic Business Plan 2014-18 approved by CSOG 03/12/15. The business plan 2015-2018 is a working document and exceptions are reported to EMPPC / CSOG on a quarterly basis.</p> <p>Policies, Protocols, Procedures and Guidance are in place and available on Public Protection website www.emppc.org.uk.</p> <p>Chief Social Work Officer (CSWO) fulfils statutory role and responsibilities, overseeing and reporting on Public Protection issues to Chief Executive and Elected Members, reporting annually to Council giving oversight of Public Protection performance including assessment of risks and pressures.</p> <p>The Council delivers services within a comprehensive framework of business control arrangements i.e. Single Outcome Agreement, Council Plan, Service Plans, Service Business Continuity and Risk Management Plans, CONTEST and a suite of corporate health and safety policies. This framework provides a robust control and ongoing review for public duty of care and public protection risks.</p> <p>The Council employs staff through robust recruitment policies including pre-employment vetting through Disclosure Scotland and the Protecting Vulnerable Groups scheme.</p> <p>The Council continues to work towards delivering the UK Governments Counter Terrorism strategy, known as Prevent, Contest.</p> <p>All employees access appropriate training/E-Learning covering core Public Protection and Health and Safety training e.g. GIRFEC, Child Protection, Prevent, Adult Protection and Health & Safety.</p> <p>All Regulated Services e.g. Homes for the Elderly, Schools are inspected by Care Inspectorate and HMIIE. Action Plans are implemented following on from all Regulated Services inspections.</p>	3	4	12	<p>Ongoing review of the Public Protection Performance Framework through the EMPPC Performance & Quality Improvement Sub Group.</p> <p>New obligations of the Children & Young People Bill introducing the 'Named Person' role will be further developed and implemented during 2016/17.</p> <p>Assess implementation of Adult Support and Protection procedures across partnership services to fully embed procedures in practice meeting legislative duties.</p> <p>Suite of Health and Safety Management Arrangements being introduced.</p> <p>The East Lothian and Midlothian Public Protection Strategic Business Plan will be refreshed and a new one signed off in 2018.</p>	2	4	8	<p>Chief Executive</p> <p>Critical Service Oversight Group</p> <p>Depute Chief Executives</p> <p>Director of East Lothian Health and Social Care Partnership</p> <p>Heads of Service</p> <p>Chief Social Work Officer</p> <p>Public Protection Office</p> <p>Health and Safety Team</p> <p>Emergency Planning and Risk Management Team</p>	<p>May 2017</p> <p>March 2018</p> <p>March 2018</p> <p>March 2018</p> <p>March 2019</p>	<p>Risk further reviewed and updated August 2017 with no change to assessment of current scores.</p> <p>Former Public Protection and Duty of Care to Public Risks combined and reviewed May 2016. Current risk score reduced from 16 to 12 and Predictive Risk score reduced from 12 to 8 as likelihood reduced.</p> <p>Risk reviewed and updated April 2015 by CMT with further review planned throughout 2015/16.</p>

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			L	I	L x I		L	I	L x I			
ELC CR 9	<p>Duty of Care to Council Staff (Health & Safety)</p> <p>East Lothian Council has a duty of care to all its employees across the full range of services and those who can be affected by the Council's activities.</p> <p>Any breach of this duty of care may affect the health, safety and wellbeing of the Council's employees leading to increased sickness absence, pressures on service delivery with the added potential for claims against the Council for incidents involving employees or non-employees.</p> <p><u>Lone Working</u> Failure of the Council to provide employees with effective Lone Working Arrangements and the appropriate training could result in injury or death to those employees resulting in H&S prosecution, civil insurance liability, reputational risk, increased sickness absence and pressures on service delivery.</p> <p><u>Safe Driving at Work</u> "Health and Safety Law applies to on the road work activities as to all work related activities and the risks should be managed within a health and safety management system". Failure to implement and maintain a Safe Driving at Work (SDAW) Policy and Guidance to ensure that the Council meets current Health & Safety guidelines could result in the Council facing legal action if a serious road accident were to take place involving any driving operation undertaken by employees, Elected Members, volunteers, agency workers or other authorised parties using personal, Council or hired vehicles, as well as any driving Council fleet vehicles, in connection with Council business.</p>	<p>All employees receive an induction, have job outlines and follow the PRD process ensuring all are capable and trained to perform safely in their roles.</p> <p>Quarterly Joint Health and Safety Committees oversee the Health and Safety Agenda of Council. This is supported by Departmental committees examining health and safety at a department level.</p> <p>Quarterly reviews of Occupational Health Service referral levels take place. Monthly Occupational health contract and work level review takes place along with a review of service need and demands.</p> <p>Revised Managing Attendance Policy in place since January 2017. Workshops (by HR Team) for Managers undertaken prior to and after release to ensure all are familiar with the revisions. More robust scheme which will help to identify any employee health and wellbeing issues earlier to enable managers to put appropriate support mechanisms in place. Managers' guidance notes issued and HR Team available to support Managers as required.</p> <p>Risk assessments carried out to identify significant workplace hazards and to establish suitable workplace controls e.g. safe systems of work.</p> <p>Safety Management System in place and supported by audit and inspection programme across the Council.</p> <p>Health and Safety Training needs are identified from project plans and Risk Assessment Findings.</p> <p>Managing attendance and Managing sickness Absence Policies in place. Training for managers in managing attendance and sickness absence in place.</p> <p>An ongoing programme of HWL initiatives rolled out across all Services promoting health and well being in the workplace.</p> <p>24/7 Employee Assistant Programme in place available to all employees. Physiotherapy available and OH service in place.</p> <p><u>Lone Working</u> Information on Lone Working is part of the Service Level Induction process. Lone Working employees who require access to the lone worker system have received training on the use of this. Specific procedures are in place in services with a high level of lone working such as Children's Wellbeing and Revenues, including risk assessments, electronic diaries, mobile phones and signing in/out books. Lone workers register and use the Corporate Lone Working System operated through the Contact Centre. Revenues & Welfare Support lone workers are allocated a Reliance personal alarm that provides 24/7 monitoring using GPS. Lone workers can be tracked via a dedicated website and are able to raise</p>	3	4	12	<p>Explore implementation of Vehicle Tracking system into Fleet Vehicles used by lone staff working directly with clients.</p> <p>Imminent re-specification and re-tender of the Contact Centre Client Management System, hosting the staff lone working component, in progress to sustain lone working system and process.</p> <p>Review and redraft of Gender Based Violence policy nearing completion.</p> <p>Review SDAW Policy and Guidance through the SDAW Group.</p>	2	4	8	<p>Depute Chief Executive – Partnerships and Community Services</p> <p>Head of Children and Adult Services</p> <p>Service Manager – Revenues</p> <p>SDAW Group</p> <p>Health and Safety Team</p> <p>Human Resources</p> <p>Public Protection Office</p>	<p>September 2017</p> <p>September 2017</p> <p>September 2017</p> <p>November 2017</p>	<p>Risk reviewed and updated April 2017 with no change to assessment of current scores.</p> <p>Risk refreshed December 2015 by CMT with current residual score reduced from 15 to 12 and planned score reduced from 10 to 8.</p> <p>Risks on Lone Working, Safe Driving at Work and Duty of Care amalgamated into one Duty of Care (H&S of employees) Risk in May 2014 at the request of CMT.</p>

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		<p>an alarm by activating their device. This service is also being utilised elsewhere within the organisation. http://www.relianceprotect.co.uk/our-service/devices/</p> <p>A Potentially Violent Clients Register has been set up which enables the sharing of information relating to potentially violent clients across customer facing teams allowing managers to identify and implement control measures to protect employees from harm.</p> <p><u>Safe Driving at Work</u></p> <p>A Safe Driving at Work Policy and a Guidance Manual has been completed by the SDAW Group to ensure that safe driving principles are embedded across the Council. This policy is now available online for all Managers to utilise.</p> <p>Arrangements are in place to ensure the reporting and recording of all accidents and incidents arising from work related driving as well as identifying and implementing remedial actions following road traffic accidents.</p> <p>Council vehicles used in the course of Council activities are properly maintained and fit-for-purpose. All Council vehicles over 3.5t are maintained in accordance with VOSA publication "Guide to Maintaining Roadworthiness".</p>										
ELC CR 10	<p>Contest</p> <p>Deliver the UK Governments Counter Terrorism (CT) strategy, known as CONTEST.</p> <p>All Local Authorities in Scotland are required to comply with the statutory legislation issued under section 24 of the Counter Terrorism and Security Act 2015.</p> <p>Failure to discharge this duty could result in the Secretary of State issuing a direction to the Council via the powers within the act and would also result in a loss of reputation and negative publicity.</p>	<p>Multi agency 'J' Division CONTEST Meeting attended by East Lothian Council representatives.</p> <p>ELC has established a CT WG chaired by the Deputy Chief Executive with members consisting of the CMT and Police Scotland.</p> <p>ELC has appointed a senior members of staff as SPoC and Deputy for Prevent as per guidelines and has also appointed a SPoC for Prepare and Protect.</p> <p>Under Protect the CMT are prepared for the Government to raise the Security Level to Critical. This includes ensuring BC plans are fit for purpose.</p> <p>ELC follows and contributes towards the 'J' Division Contest group implementation plan.</p> <p>Training gap analysis completed in respect of Prevent.</p> <p>Education personnel are fully engaged with Prevent and appropriate filters have been installed on the Education infrastructure.</p> <p>ELC Managers have received Prevent training.</p> <p>E Learning (level 1) training package available to all staff.</p>	4	3	12	<p>Programme of awareness training and delivery of packages such as WRAP/ACT Now training to be followed in ELC.</p> <p>A good level of engagement to be sustained with Community Planning Partners.</p> <p>Head of Education to progress Prevent training for staff and pupils.</p> <p>Prevent reporting process will be established.</p>	2	3	6	Chief Executive Depute Chief Executives Council Management Team	<p>March 2018</p> <p>December 2017</p> <p>September 2017</p> <p>December 2017</p>	New risk created May 2016 and further reviewed April 2017 with no change to assessment of current scores.

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			L	I	L x I		L	I	L x I			
ELC CR 11	<p>Severe Weather</p> <p>There is a risk that an extended period of severe winter weather will lead to an increase demand for gritting and snow clearing of roads/footpaths which exceeds normal capacity and supplies of salt.</p> <p>This could result in travel disruption, difficulties for people in accessing services, failure to maintain refuse collection timetable and school closures at short notice as well as a possible increase in insurance claims related to pothole damage.</p>	<p>East Lothian Councils Winter Maintenance Plan has been in place for some time and ensures that the main transport routes are treated as priority.</p> <p>The ELC Severe Weather Response Plan has been developed over the past few years and ensures a co-ordinated and consistent multi-agency response across the county and is reviewed annually.</p> <p>Claims protocol in place within the Insurance section.</p> <p>Council's Salt Barn has a capacity of 8,000 tonnes to meet demand arising from severe cold weather. Snow clearing equipment has been supplied to Primary Schools. Snow clearing equipment has been offered to Community Councils with some taking up this offer. A number of grit bins are provided to enable self-help gritting of adopted roads and footways.</p> <p>Winter Maintenance operatives are trained to SVQ or equivalent in winter gritting and snow clearing. Winter Maintenance Duty officers trained as Winter Service Supervisors to City and Guilds level.</p> <p>Guidance and information on ELC website.</p> <p>Several Community Councils have started to create or have created their own emergency response plans or asset registers of volunteers and skills available at a time of crises. ELC now finance all 20 Community Councils annual insurance premiums ensuring that Insurance is not perceived as a barrier to invoking such plans.</p> <p>The Council continues to work with the Community Councils and other voluntary groups including Tenants and Residents Associations to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland".</p> <p>Training and awareness sessions for staff.</p> <p>Training and exercising with partner agencies.</p>	3	3	9	A workshop, hosted by East Lothian Council, to further progress Resilient Communities, for the benefit of Community Councils and other voluntary organisations, is planned to take place in 2018.	3	3	9	Depute Chief Executive – Partnerships and Community Services	September 2018	Risk refreshed March 2017 with no change to assessment of current scores.

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ELC CR 12	<p>Carbon Management</p> <p>There is a risk that the Council may fail to meet its public bodies duty under the Climate Change (Scotland) Act 2009 to reduce its carbon emissions, adapt to climate change and endeavour to act sustainably.</p> <p>Failure to mainstream and embed action to address climate change issues may harm the Council's reputation (in terms of corporate social responsibility) and increase the potential for unbudgeted costs and financial penalties.</p> <p>Such an example is the Carbon Reduction Commitment (CRC), which is essentially a carbon tax. In 2014/15, the CRC was extended to include emissions from street lighting. Additionally, the CRC cost per tonne of carbon emitted from energy and street lighting rose from £12 to £16 per unit.</p>	<p>A Climate Change Planning and Monitoring Group has been established, under the East Lothian Partnership (inaugural meeting February 2015). The Group will play a critical part in driving and coordinating the work of the Partnership to meet its climate change obligations and commitments. The Group will be responsible for developing and monitoring a Climate Change Strategy to replace the Environment Strategy and the Carbon Management Team will update the Carbon Management Plan (2009-14, extended to 2015).</p> <p>Supporting the work of the Group will be a number of delivery subgroups, a number of which already exist (e.g. Carbon Management Team). The Subgroups will be tasked to implement relevant plans and projects identified in the Climate Change Strategy.</p> <p>An Energy Transformation Board has been formed, which has been tasked to look at generating income from installing low carbon technologies across the Council's estate. One of the key commitments of this group is to produce a Sustainable Energy and Climate Action Plan.</p> <p>Area Partnerships serving the six cluster areas of East Lothian were established in 2014, providing the main opportunities for local communities to contribute to the East Lothian Plan and influence service planning and delivery in their area. Each Partnership is responsible for developing a strategic level area Plan, linked to the priorities in the ELP, which will be delivered by partners and involve local communities. Sustainable travel has been identified as a key priority across all the Partnerships.</p>	3	3	9	<p>Develop a Climate Change Strategy, update the Carbon Management Plan and produce a Sustainable Energy and Climate Action Plan.</p> <p>Develop an Active Travel Improvement Plan, with input from the 'East Lothian on the Move' events held within each Area Partnership, as part of the Local Transport Strategy.</p>	2	3	6	Depute Chief Executive – Partnerships and Community Services	<p>March 2018</p> <p>March 2018</p>	Risk refreshed February 2017 by Sustainable Development Officer with no change to assessment of current scores.
ELC CR 13	<p>Development Plan</p> <p>Failure to maintain an up-to-date Local Development Plan could lead to a shortfall in the effective 5 year housing land supply to meet the needs of our growing population and a lack of control over planning decisions due to planning by appeal. This could lead to unplanned development at odds with the Council's planning strategy for East Lothian, and consequent reputational damage. It could also contribute towards the Council not being able to achieve its Council Plan objectives – Growing our Economy and Growing our Communities – and related Single Outcome Agreement objectives.</p> <p>The Local Development Plan is also required to support and guide the provision of infrastructure required to meet the needs of our growing population and growing economy.</p>	<p>Additional planner recruited during 2016, however, in fulfilling peak workload tasks staffing levels and other resources are stretched.</p> <p>Finalisation of the proposed Local Development Plan for examination is part of a Planning Business Plan objective (ongoing review). Details are set out in the Local Development Plan Scheme with timescales (to be reviewed by April 2017).</p> <p>Detailed timeline drawn up for LDP examination.</p> <p>ELC and SESplan Development Plan Schemes commit to a programme of Development Plan Scheme review (reviewed annually).</p> <p>SESplan Joint Committee, Project Board and Steering Group guide joint authority preparation of Strategic Development Plan for Edinburgh and SE Scotland.</p> <p>Community Planning Partnership liaison and involvement through East Lothian Strategic Land Use Planning Group.</p> <p>Proposed LDP approved September 2016, Schedule 4 responses to representations approved March 2017. This gives a basis to consider the principle of</p>	4	2	8	Schedule 4 submissions agreed by Council without modification. Close liaison with DPEA to ensure timescale for submission for examination is minimised.	3	2	6	Head of Development	September 2017	<p>Risk Refreshed by Head of Development and Service Manager – Planning March 2017. Current risk score reduced from 12 to 8 and Predictive risk reduced from 8 to 6 due to implemented measures over past 12 months.</p> <p>Risk Refreshed by Head of Development and Service Manager – Planning February 2016. Current risk score reduced from 15 to 12.</p>

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			L	I	L x I		L	I	L x I			
		<p>housing development on sites that may contribute to a 5 year housing land supply, subject to technical assessment including cumulative impacts.</p> <p>A fully collaborative and corporate approach prioritises the Council's case for Examination of the proposed plan.</p> <p>Work on schools consultation(s) and transport modelling completed.</p> <p>Infrastructure constraints identified collaboratively in accordance with proposed plan development work and integrated in terms of future financial planning.</p> <p>Housing Land Supply: Interim Planning Guidance as updated approved by East Lothian Council 23 February 2016.</p>										

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
ELC CR 14	<p>Business Continuity</p> <p>Non availability of:</p> <ul style="list-style-type: none"> premises, through fire, flood or other unexpected incident; key staff or significant numbers of front-line staff for any reason including a Pandemic; systems (IT, telephony, power failure etc); any form of transportation due to a fuel shortage. <p>The occurrence of any of these may have an adverse effect on the Council to function fully and to complete critical services and statutory requirements.</p>	<p>Business Continuity Framework Plan in place and regularly reviewed.</p> <p>Business Continuity Plans are maintained for all service areas, giving details of minimum levels of staff, alternate locations, exercise and review dates and version control.</p> <p>The Chief Executive has a statutory responsibility for the ELC BC process. The Heads of Service remain responsible for ensuring the BC process is completed within their area of work.</p> <p>Each service area now has a Single Point of Contact (SPoC) and deputy who are responsible for, their services BC Plan, exercising this plan and ensuring it is maintained. All BC Plans are managed through Continuity² Software.</p> <p>ELC staff have access to an e-learning package on Business Continuity.</p> <p>IT –specific disaster recovery arrangements in place for the critical systems – telephony, e-mail and social care. These have duplicate servers in place off site which can be brought into action if ELC lost its main data centre at JMH.</p> <p>An IT Disaster Recovery Plan is in place and will be regularly updated when any changes take place in the main data centres.</p> <p>For single server failure - there are over 100 systems now running on virtual servers which automatically fall over to another server if there are hardware issues.</p> <p>Controls that are in place to prevent and limit the effects of IT system unavailability including firewalls, anti-virus software, system/ data backup routines, and resilience in the form of a back-up generator for the main data centre at JMH.</p> <p>The Council has a Fuel Plan in place and is able to call a Fuel Group at anytime. Fuel supply is held at our depots and can be sourced externally from local fuel service stations and through shared services with other Local Authorities. Regular monitoring of current fuel stock and assessment of any weather predictions, political developments or industrial action etc that may affect fuel availability.</p>	2	4	8	<p>Progress Business Continuity 'alternative accommodation' plan and a 'site specific' plan.</p> <p>Organise and plan a full real time exercise, involving a facility (possibly JMH) to test the ELC BC plans.</p>	2	3	6	<p>Depute Chief Executive – Partnerships and Community Services</p> <p>Depute Chief Executive – Resources and People Services</p>	<p>March 2018</p> <p>November 2017</p>	<p>Risk refreshed April 2017 with no change to assessment of current scores.</p>

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
ELC CR 15	<p>Corporate Events Management</p> <p>Effective preparation and co-ordination across a number of services, for high profile events coming to East Lothian is essential and failure to achieve this could result in a risk of adverse reputational impact for the Council on a national/international level as well as possible legal procedures at fatal accident enquiries accounting for our action or non-action.</p> <p>COSLA, Police Scotland and the Health & Safety Executive (HSE) recommend that Local Authorities form a core group, led by a senior officer, who will meet to discuss all events taking place within their area over a pre determined period of time. This group would include the blue lights and other appropriate organisations and decide if each individual event should be organised through a separate, specific Safety Advisory Group (SAG) or if the event can carry on without interference, other than appropriate safety advice.</p> <p>The following criteria would be considered by the 'over arching' SAG:</p> <ul style="list-style-type: none"> • Status of the principal e.g. HM Queen • Status of the event organiser e.g. Scottish Defence League • The size of the crowd or the number of spectators • The profile of the event e.g. North Berwick Highland games. • The requirement for a TTRO • At the request of one of the partner agencies • At the request of an event organiser <p>The council is involved in events as they tend to take place in Council parks or on our roads and the Council issues licenses and permits for events. The Council also has a statutory role in enforcement /inspection (building control, food hygiene etc.) and will help the organisers with traffic management.</p> <p>If the event organisers fail to have the correct licences in place then it is them that face the risk of criminal prosecution.</p>	<p>The Council now has a SAG policy and a Senior Officer – Events Co-ordination in place who is now the Single Point of Contact (SPOC) to overview events and event notifications, awareness and assessment to support overarching SAG meetings and Corporate Events Management Group meetings and the actions that flow from these.</p> <p>Corporate Events Management Group in place and hold regular overarching SAG meetings (monthly) to decide which events require specific SAG.</p> <p>Strategic SAG Group meetings co-ordinate preparation for various events as per event schedule, with representation from all relevant Services areas and Multi-Agency Partners.</p> <p>Council staff involved in events have considerable experience and proven track records in organising and managing events.</p> <p>Event guidance for organisers of events is published on the Council website.</p> <p>Where a SAG group is set up, for a specific event, it has no statutory power to stop it taking place; however, it can withdraw its support and co-operation which means that the event cannot proceed. This is especially true in terms of their insurance cover. Police Scotland will always provide the final advice on public safety.</p>	2	3	6	<p>Senior Officer – Events Co-ordination and Line Manager to attend SAG training and liaise with other Local Authorities and COSLA to determine and introduce 'best practice'.</p> <p>Events Guidance Manual to be completed and put online with information on Insurance, Communications, Travel Plans (bus routes) and Council and External Contact information.</p>	2	3	6	<p>Depute Chief Executive - Partnerships & Community Services</p> <p>Head of Service (Development)</p> <p>Service Manager – Protective Services</p> <p>Team Manager, Economic Development</p>	<p>September 2017</p> <p>September 2017</p>	<p>New risk created May 2016 and updated April 2017 with current score reduced from 12 to 6 and residual score from 8 to 6 due to implemented measures, chiefly new Senior Officer – Events Co-ordination and SAG process in place.</p>

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review	
			Likelihood	Impact	Total		Likelihood	Impact	Total				
			L	I	L x I		L	I	L x I				
ELC CR 16	<p>Equality</p> <p>Failure to meet duties and legislative requirements of the Single Equality Act 2010.</p> <p>The Single Equality Act 2010 and related guidance places a general duty on public authorities to be active in promoting equality, eliminating unlawful conduct and fostering good relations. It also places specific duties on public authorities to</p> <ul style="list-style-type: none"> report on mainstreaming the equality duty; publish equality outcomes and report progress; assess and review policies and practices; gather and use employee information; publish gender pay gap information; publish statements on equal pay; consider award criteria and conditions in relation to public procurement; publish in a manner that is accessible. <p>In late 2017 or early 2018, the Scottish Government are expected to introduce a 'socio- economic duty'. This will require the Council to consider the impact of our work on those living in poverty. The Council will need to respond to the full requirements of this new duty and raise awareness of the requirements on the Council.</p> <p>There is a risk that the Council may not be able to meet its general or specific duties and in particular at a time when difficult budget decisions are having to be made that there will be cuts in services or increases in charges that have a disproportionate impact on people who may need those services most because of their equality background.</p> <p>The Council would be open to legal challenge of not meeting its duties and in particular of not carrying out adequate assessment of impact of policies and budget decisions.</p>	<p>ELC Equality Plan in place and available online. A revised Equality Plan will be produced in 2017. This includes the commitments made by East Lothian Council as a Licensing Board and as an Education Authority. The plan outlines our commitments:</p> <ul style="list-style-type: none"> Continue to lead a culture where respect, choice and understanding is fostered and diversity positively valued; Maintain a working environment where unlawful discrimination, harassment, victimisation or bullying is not tolerated; Continue to develop our understanding of the needs of different individuals and communities in a time of rapid change; Continue to embed the equality agenda in all our work, and contribute to the early intervention and prevention approach adopted by the Council and its Partners; Improve understanding of the impact of poverty and inequality on people's lives; and Ensure that we plan and deliver services which meet modern standards of delivery and that are inclusive of a wide range of different needs from digital services to face to face interactions <p>The Integrated Impact Assessment Process is embedded and is now widely used. This includes consideration of poverty which should allow us to meet the requirements of the new socio economic duty. A programme of support, including training on the new IIA process is ongoing.</p> <p>The Health & Social Care IJBs (East & Midlothian and City of Edinburgh) along with NHS Lothian will use the 'checklist and IIA form' package, with East and Midlothian Councils using the IIA form only package.</p> <p>HR is annually capturing the employment monitoring information required under the Act, reporting it appropriately and carrying an Equal Pay Audit.</p> <p>Elearning equalities modules are available on Learn Pro and 'Get in on the Act' guides to the Council's legal responsibilities are available for all employees and Elected members. A new e learning package 'Understanding Poverty' has been added to support employees to understand about taking poverty into account when designing services and will be updated once details of the Socio Economic duty are known.</p> <p>Equality indicators have been included as part of the Performance Framework and SOA indicator set. These will be reviewed to ensure that these align with the revised Local Outcome Improvement Plan (LOIP).</p> <p>The Council has established a Poverty Commission to report on and make recommendations for actions to further the Council Plan and LOIP to reduce inequalities.</p> <p>We will be working with Police Scotland to refresh the East Lothian Hate Crime Action plan.</p>							Depute Chief Executive – Partnerships and Community Services		<p>Risk register updated August 2017 to include the new Equality Plan and to flag the introduction of the Socio Economic duty. No change to assessment of current scores.</p> <p>Risk further reviewed and updated April 2017 with no change to assessment of current scores.</p> <p>Risk reviewed and refreshed May 2016 with both current and predictive scores reduced from 8 to 6 due to implementation of additional measures.</p>		
			2	3	6				2	3	6		

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
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			L	I	L x I		L	I	L x I			
ELC CR 17	<p>Standards in Public Life</p> <p>Failure of corporate governance or to meet standards in public life.</p> <p>Failure of the Council's corporate governance or of officials or members to meet standards in public life could result in reputational damage.</p>	<p>The main internal controls are the Council's Code of Corporate Governance, the Annual Governance Statement, Standing Orders, Scheme of Administration and Financial Regulations.</p> <p>Standing Orders (the Schemes of Administration and Scheme of Delegation) were extensively revised and approved by Council in August 2013 and further revised on a regular basis since.</p> <p>The conduct of elected members, officials and employees is governed by Codes of Conduct. The Standards Commission is responsible for encouraging high standards of behavior by Councillors and will adjudicate where there are allegations that Councillors have breached the Code of Conduct. The Audit and Governance Committee also has a role in promoting good governance.</p> <p>The Council's Monitoring Officer, legal advisers and the Team Manager, Democratic and Licensing provide advice as required. Internal Audit conducted a review of the process for Elected Members' Registers of Interests and Declarations of Gifts and Hospitality and a report was submitted to the Audit & Governance committee in March 2015. The report recommendations were implemented in May 2015 and remain best practice.</p> <p>A programme of briefings for Elected Members has been established since 2013 with events currently scheduled every month during the committee session. Ad hoc additional briefings are also held. Briefing topics for the 2017/18 session will be communicated to Members once these are confirmed.</p> <p>The Council is developing its links with the Local Area Network of audit and inspection agencies and its Auditors.</p> <p>A comprehensive induction programme for Elected Members was approved by Council in February 2017, and commenced immediately following the local government election in May 2017 and will continue to take place as required to ensure understanding of the importance of standards in public life. There was a specific session on the Code of Conduct, and it was also referred to in several other sessions.</p> <p>Elected Members have an ongoing opportunity to participate in a CPD programme, which is currently being developed in conjunction with the Council's Organisational Development Team. This will be based on the offering available from the Improvement Service and the IS have offered to input into the final product. Elected Members have an ongoing opportunity to attend Master classes run by the Improvement Service and dates and topics for the first sessions in 2017 have already been offered out.</p> <p>Since May 2015, a six monthly reminder is issued to Elected Members regarding updating their Register of Interests and Declarations of Gifts and Hospitality.</p>	3	2	6	<p>A 100-day review will take place with all Elected Members during August 2017. This will be carried out by way of face-to-face meetings with Elected Members and will cover: the Elected Member Induction Programme, the Councillors' Code of Conduct, PA support, office accommodation, Access to Council officers, committee papers, surgeries, and further training and development.</p>	3	2	6	Depute Chief Executive – Resources and People Services Depute Chief Executive – Partnerships and Community Services	August 2017	Risk further reviewed and updated July 2017 with both current and predictive risk scores increased to 6 due to the number of newly elected Councillors.

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review											
			Likelihood	Impact	Total		Likelihood	Impact	Total														
			L	I	L x I		L	I	L x I														
ELC CR 18	<p>Stability of the Council Plan</p> <p>The 2017-2022 Council Plan (adopted by Council in June 2017) is a key element in securing long term stability for future service delivery planning. The risk of not fulfilling this would present challenge for the council in maintaining high quality service delivery, meeting the aspirations of our customers and the longer term effectiveness of the organisation.</p>	<p>The Plan is regularly monitored and reviewed by CMT and reported to Audit and Governance on an Annual basis.</p> <p>The following are all currently in place:</p> <p>2017-2022 Council Plan</p> <p>Council Vision / Key priorities / Strategic Goals</p> <p>Long term budget planning</p> <p>Service Plans based around the Council Plan.</p> <p>The implementation of the Council Plan is being monitored by the Council Management Team and through Annual Report to Council.</p>																					
			2	2	4				2	2	4												

Original date produced (Version 1)	13 April 2011		
File Name	East Lothian Council Corporate Risk Register		
Original Author(s)	Scott Kennedy, Risk Officer		
Current Revision Author(s)	Scott Kennedy, Risk Officer		
Version	Date	Author(s)	Notes on Revisions
1	13/04/2011	S Kennedy	Original Version
2	05/12/2011	S Kennedy	2 nd version made available to BoD for review
3	23/08/2012	S Kennedy	Draft version updated
4	15/11/2012	S Kennedy	Updated following BoD meeting and Strategy update
5	07/12/2012	S Kennedy	Updates received from services following BoD recommendations
6	18/12/2012	S Kennedy	Updated with additional risks.

Risk Score	Overall Rating
20-25	Very High
10-19	High
5-9	Medium
1-4	Low

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
7	04/01/2013	S Kennedy	Updated following consideration by CMT									
8	09/05/2013	S Kennedy	EP & BC Risks updated									
9	31/07/2013	S Kennedy	Data Protection Risk Added									
10	01/11/2013	S Kennedy	Welfare Reform Risk updated (no change to score)									
11	04/03/2014	S Kennedy	New Corporate Risks added on Safe Driving at Work, VERS, Fuel Shortages and Lone Working									
12	March/April 2014	S Kennedy	All risks reviewed, refreshed and scores updated where required.									
13	11/04/2014	S Kennedy	New Corporate Risk on Integration of Health & Social Care and Adult Wellbeing added.									
14	25/04/2014	S Kennedy	Amendments following consultation with CMT and Risk Authors									
15	01/05/2014	P Vestri	Amendments following review of latest draft by Chief Executive and Depute Chief Executives.									
16	27/05/2014	S Kennedy	Final amendments following consultation with CMT and Risk Authors including addition of Development Plan and Public Protection risks									
17	23/12/2014	S Kennedy	Climate Change Risk refreshed as well as adding column for date Planned Risk Measures will be completed by to the Register.									
18	February-April 2015	S Kennedy	All Risks Refreshed by authors and reviewed by CMT									
19	December 2015	S Kennedy	All Risks Refreshed by authors and reviewed by CMT									
20	January 2016	S Kennedy	Carbon Management, Flooding and Equality Risks refreshed.									
21	April – May 2016	S Kennedy	Amended following CMT meeting & further update of all risks including new risks created and Duty of Care and Public Protection Risks combined.									
22	March – May 2017	S Kennedy	New risk created on Limitation and all other risks reviewed.									
23	August 2017	S Kennedy	All risks reviewed by Owners and CMT									

REPORT TO: Cabinet

MEETING DATE: 12 September 2017

BY: Depute Chief Executive - Partnerships and Community Services

SUBJECT: East Lothian Residents Survey 2017

4

1 PURPOSE

- 1.1 To present a summary of the main findings of the 2017 East Lothian Residents Survey and to identify some of the planned and potential uses of the survey data.

2 RECOMMENDATIONS

- 2.1 Cabinet welcomes the positive results from the 2017 Residents Survey and notes the main findings of the Survey presented in this report, as well as the availability of further data at both East Lothian wide and ward level.

3 BACKGROUND

- 3.1 East Lothian Council, on behalf of East Lothian Partnership, commissioned Research Resource to carry out the 2017 Residents Survey. Face to face interviews were carried out with a representative sample of 1,565 local residents during March 2017. Interviews were spread across the whole of East Lothian, with the number of interviews designed to provide robust data within each ward (margin of error between 5.90% and 6.08%), At East Lothian level the numbers interviewed ensured a robust and representative data set (+\ - 2.45% margin of error).
- 3.2 Topics covered in the Survey included: Neighbourhood and Quality of Life; Community Safety; Health and Wellbeing; Perceptions of the Council / Public Services and Local Priorities.
- 3.3 The questions included were designed to establish the public's views on general and specific aspects of life in East Lothian, but also to gather

data to help inform the development of the East Lothian Plan, Council Plan and Locality Plans.

- 3.4 There is also potential for further use of the Survey findings by individual Council services and partner organisations to support the planning and delivery of services. Colleagues are encouraged to contact the Council's Policy Team for further information and advice, but also to enable the Team to capture details of how the data is being used.
- 3.5 A copy of the final report and individual reports for each ward are now available on the Council website. Some of the key findings are outlined below.

Neighbourhood and Quality of Life

- 3.6 Respondents expressed very high levels of satisfaction with living in East Lothian, with 99% agreeing that East Lothian is either a 'very good' (72%) or 'fairly good' (27%) place to live. These results are consistent with the last East Lothian Residents Survey carried out in 2011 (98%).
- 3.7 The majority of respondents (88%) felt very or fairly strongly that they belong to their immediate neighbourhood.
- 3.8 Respondents were shown a list of factors that might help make somewhere a good place to live and asked to identify which they felt were most important - the top choices were:
- Health services: 61% (+27% from 2011 Survey)
 - Affordable decent house: 47% (+4%)
 - Primary and secondary schools: 47% (+12%)
 - The level of crime: 44% (-6%)
 - Affordable decent housing: 43% (+4%)
 - Jobs for local people: 40% (+3%)
- 3.9 A follow up question, using the same list, asked what most needed improved in respondents' local areas. Significantly fewer respondents suggested improvements than in the 2011 Survey, with 37% saying there was nothing in their neighbourhood they felt needed improving (compared to 28% in 2011). The top responses were:
- Road and pavement repairs: 16% (-15% from 2011 Survey)
 - Health services: 11% (+6%)
 - Shopping facilities: 10% (same as 2011 Survey)
 - Activities for teenagers: 8% (-18%)

Community Safety

- 3.10 The majority of respondents (55%) said they did not feel threatened by crime 'at all' in their neighbourhood, a further 38% said they did not feel threatened 'very much'. This was a slight change from 2011 when 67% said they didn't feel threatened at all and 30% said they did not feel threatened very much.
- 3.11 81% of respondents felt crime had stayed about the same in their local neighbourhood in the last 2 years, 9% felt it had increased and 1% felt it had decreased. The percentage who thought crime had increased was significantly lower than the Scottish average of 20%.¹
- 3.12 Interestingly, when asked the same question about the crime rate for the whole of East Lothian, respondents were more inclined to think crime had increased (17%).
- 3.13 79% said their level of confidence in the Police being able to respond to crime being reported had 'stayed the same' in the last 2 years, 3% felt more confident, 7% were less confident and 11% were unsure.

Health and Wellbeing

- 3.14 When asked to rate their general health, 52% reported that their health was 'very good', 30% said it was good and 12% rated it as fair. The proportion of East Lothian respondents rating their health as very good was significantly higher than the Scottish average of 34%.²
- 3.15 When asked about their support networks, 94% agreed or strongly agreed that in an emergency, such as a flood, they would offer help to people in the neighbourhood who might not be able to cope so well. 93% said that if their home was empty they could count on family or friends to keep an eye on it.

Perceptions of the Council and Public Services

- 3.16 The survey asked about people's satisfaction with a range of public services – the percentages of those (who expressed a view) saying they were 'very' or 'fairly satisfied' are detailed below:
- Parks, gardens, open spaces: 94%
 - Local schools: 90%
 - Waste & recycling services: 90%
 - Libraries: 87%
 - Local bus service: 87%
 - Street cleaning: 87%
 - Support for frail / older people to remain in their own home: 85%

¹ Scottish Crime and Justice Survey 2014/15

² 2015 Scottish Surveys Core Questions

- Swimming pools / sports centres: 85%
- Children's play areas: 80%
- Council house repairs: 75%
- Roads maintenance: 69%
- Dental services: 95%
- Fire Service: 93%
- Police: 92%
- Hospital Outpatients Services: 90%
- Hospital A&E Services: 90%
- GP Services: 88%

3.17 Respondents were asked the extent to which they agreed or disagreed with a set of statements about the Council. From the table below changes in perceptions since the 2011 Residents Survey can be noted, with a particularly positive change in the percentage of people agreeing they can influence local decisions.

	% strongly agree / tend to agree	
	2017	2011
My local Council does the best it can with the money available	79%	77%
My Council provides high quality services	72%	79%
My local Council designs services around the needs of the people who use them	70%	73%
My Council is good at letting people know how well it is performing	62%	69%
My Council is good at listening to local people's views before it makes decisions	38%	44%
I can influence decisions affecting my local area	38%	16%
I would like to be more involved in the decisions my Council makes that affect my local area	19%	10%
My local Council is good at letting people know how well it is performing	68%	n/a
My local Council is addressing the key issues affecting the quality of life in my local neighbourhood	61%	n/a

Council Priorities

3.18 Respondents were asked to rate the priorities in the 2012-17 Council Plan, over 70% of respondents rated these as 'very important'

- Growing our Economy: 70%
- Growing our Communities: 72%
- Growing our People: 77%
- Reducing Inequalities: 74%

3.19 The survey included a list of some of the ways in which the Council could meet the growing demand for services while budgets continue to reduce. The vast majority were in agreement / strong agreement with all of the options listed:

- 'Focus on prevention and early intervention – taking action as soon as possible to tackle social problems before they become more difficult to turn around' (69% strongly agreed, 28% agreed)
- 'Focus resources on areas of East Lothian where the need is greatest (58% strongly agreed, 37% agreed)
- Identify those services which we should stop providing (52% strongly agree, 35% agree)
- Deliver services in new ways, perhaps with more community involvement (52% strongly agree, 35% agree)
- Reduce and manage the growing demand for some services (49% strongly agree, 35% agree)

3.20 Respondents were shown a list of characteristics and asked which most closely matched their hopes for East Lothian in the future, the most popular choices were – Prosperous (59%), Community Minded (51%), Fair (45%), Welcoming (42%). When asked to pick just one of the options as their top priority, the most popular were Community Minded (31%), Prosperous (29%) and Fair (13%).

4 POLICY IMPLICATIONS

4.1 Data generated by the 2017 East Lothian Residents Survey will be used to help inform the development of the Council Plan, the East Lothian Local Outcomes Improvement Plan and Locality Plans.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

6 RESOURCE IMPLICATIONS

- 6.1 Financial - The total cost of the survey was £15,000, this was met from the East Lothian Partnership budget
- 6.2 Personnel - none
- 6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 [East Lothian Partnership Residents Survey 2017 Report and Ward level reports](#)

AUTHOR'S NAME	Claire Goodwin
DESIGNATION	Policy Officer
CONTACT INFO	cgoodwin@eastlothian.gov.uk ext. 7270
DATE	31 August 2017

REPORT TO: Cabinet
MEETING DATE: 12 September 2017
BY: Chief Executive
SUBJECT: Community Empowerment (Scotland) Act 2015

5

1 PURPOSE

- 1.1 To make Cabinet aware of progress in implementing the Community Empowerment (Scotland) Act 2015, and to seek approval of relevant policy statements.

2 RECOMMENDATIONS

- 2.1 Cabinet is recommended to:
- i) approve the draft overarching Policy Statement in relation to how the Council plans to implement the Act (Appendix A);
 - ii) note the document about Participation Opportunities which has been placed on the Council's website (Appendix B);
 - iii) approve the draft Asset Transfer Request policy and guidance (Appendix C);
 - iv) note that the Council's Asset Register has been published on the Council website in accordance with the Act.

3 BACKGROUND

- 3.1 The Community Empowerment (Scotland) Act received Royal Assent in 2015, and its various sections have been brought into force at differing times since then, with associated statutory guidance from the Scottish Ministers.
- 3.2 The Act is intended to empower communities, and contains many provisions about local authorities and other public authorities including the Scottish Ministers. It covers:
- i) national performance outcomes;

- ii) community planning;
- iii) participation requests (by community bodies to participate in improving service outcomes);
- iv) community rights to buy land;
- v) asset transfer requests;
- vi) delegation of forestry commissioners' functions;
- vii) involving supported in the decision-making of football clubs;
- viii) common good property;
- ix) allotments;
- x) participation in public decision-making; and
- xi) schemes for the reduction and remission of non-domestic rates.

3.3 Council officers have set up a project team to put in hand the various requirements of the Act. The vast majority of the Act is now in force, the most notable exception being some of the provisions about Allotments.

3.4 This report concentrates on community planning, participation requests, and asset transfer requests.

Community Planning

3.5 Council had the opportunity at its meeting on 22 August to consider the terms of the draft East Lothian Plan, which on agreement by the East Lothian Partnership will constitute our area's Local Outcomes Improvement Plan under the Act. Council for its part approved the terms of the draft Plan. The Partnership is meeting next on 26 September when it is expected to finalise the Plan.

3.6 The East Lothian Partnership is reviewing its governance arrangements to bring them into line with the new duties and responsibilities on statutory Community Planning partners.

3.7 Work is also ongoing to ensure the Partnership complies with the new duty to publish Locality Plans with a focus on improving outcomes in areas of high levels of socio-economic deprivations. East Lothian's Locality Plans will be based around the Area Plans produced by the six Area Partnerships.

Participation Requests

3.8 Community empowerment and community engagement are not new concepts. In East Lothian the development of the Area Partnerships, the Council's support for Community Councils, Tenants and Residents Associations and service users involvement in co-developing policy in key areas are examples of community empowerment and engagement in action. However, the Act places new duties on local authorities to apply

certain specific processes to the way they engage with communities, in particular, around the concept of ‘participation requests’ from community organisations to contribute to improving outcomes.

- 3.9 A policy statement expressing the Council’s support for the principle of community empowerment and setting out how it is implementing the participation requests and other key parts of the Act. (Appendix A) Cabinet is asked to approve this statement.
- 3.10 It is important to put the Act’s requirements into context with the many things the Council already does to engage with residents. A useful guide to the [Community Participation Opportunities](#) supported by the Council has been published on the Council website. (Appendix B)

Community Asset Transfer

- 3.11 Community Asset Transfer is a significant part of the Act and is subject to a great deal of guidance from the Scottish Government. The Council’s Service Manager for Strategic Asset and Capital Plan Management has produced a suggested East Lothian Council policy and guidance for Community Asset Transfer. (Appendix C) Cabinet is asked to approve this policy and guidance.
- 3.12 Under the terms of the Act, a relevant body may seek a review if they are not happy with the decision on an application for asset transfer. For the Council, that review must be conducted by elected members. If a relevant body is unhappy with the outcome of a review, they can appeal to The Scottish Ministers. The Council will need to consider assigning responsibility to relevant members and to arrange appropriate training.
- 3.13 In terms of Community Asset Transfer, “assets” refers to land and to buildings on that land. A copy of the Council’s Asset Register has been published, as required by the Act, on the Council’s website.

4 POLICY IMPLICATIONS

- 4.1 This report outlines how the Council and East Lothian Partnership are fulfilling their duties under the Community Empowerment (Scotland) Act (2015).

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 An Integrated Impact Assessment has been carried out on these policies and no negative effects have been identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – the Act has potentially significant financial implications but it has not been possible to quantify them at this time. The Scottish Government attached no new funds to the implementation of this Act for public authorities.
- 6.2 Personnel – considerable staff time in participating in the Project Team and producing draft policies; the processes themselves will involve further staff time, for example in assessing Asset Transfer Requests.
- 6.3 Other – none identified at present.

7 BACKGROUND PAPERS

- 7.1 Appendix A: Community Empowerment and Engagement - East Lothian Council policy statement
- 7.2 Appendix B: A Guide to Community Participation Opportunities 2017
- 7.3 Appendix C: East Lothian Council Community Asset Transfer Policy and Guidance
- 7.4 Scottish Government: background and guidance on the Community Empowerment (Scotland) Act 2015:
<http://www.gov.scot/Topics/People/engage/CommunityEmpowermentBillFAQs>
- 7.5 Council's Asset Register:
http://www.eastlothian.gov.uk/downloads/file/12335/community_asset_register

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DRAFT

Community Empowerment and Engagement

East Lothian Council policy statement

East Lothian Council's Vision is for our area to be even more prosperous, safe and sustainable with a dynamic and thriving economy that enables our people and communities to flourish.

In line with this Vision, the Council seeks to support and enhance community life. For information about the many opportunities for communities and individuals to engage with the Council to help develop and enhance vibrant and cohesive community life, please see [link to Participation Opportunities]

The Community Empowerment (Scotland) Act 2015 [link] created new responsibilities and powers for the Council and other public bodies to help empower communities. In particular, the Council is currently working to put in place the provisions of the Act concerning Community Planning, Participation Requests, Asset Transfer Requests, Common Good Property and Allotments.

The Council is preparing its policy documents to fully implement the Act, and will place these on its website when complete. In the meantime, if you have any queries, please use the following contacts:

For Community Planning matters or Participation Requests

[contact details]

For Asset Transfer Requests or Common Good Register

[contact details]

For Allotments or Food Production Strategy

[contact details]



A Guide to Community Participation Opportunities 2017

Getting Involved,
Making Your Voice
Heard

Contents

Introduction	3	Libraries & Museums	11
General Participation Opportunities.....	4	Parks and Open Spaces	11
Councillors	4	Roads.....	12
Community Councils	4	Community Centres	12
Elections	4	Community Organisations.....	12
Area Partnerships	5	Leisure & Sports	12
East Lothian Citizens' Panel	5	Community Safety	13
Residents Reviews	6	The Community Empowerment Act	14
The East Lothian Consultation Hub.....	6		
You Pay, Have Your Say – Annual Budget Consultation.....	6		
Petitions	6		
Comments, Complaints & Compliments.....	7		
Residents Survey.....	7		
Volunteering	7		
Social Media.....	7		
Participation Opportunities with Specific Services.....	8		
Housing.....	8		
Children & Families	8		
Health & Social Care	10		
Planning.....	10		

Introduction

East Lothian Council's Vision is for an East Lothian that is even more prosperous, safe and sustainable, with a dynamic and thriving economy that enables our people and communities to flourish.

Community Participation makes an important contribution towards achieving this Vision. When we talk about community participation we are referring to ways in which individuals and communities can get involved in shaping the things that affect their lives, including the provision of services by the Council.

This Guide provides information on the many opportunities that exist for communities and individuals to engage with the Council to help develop and enhance vibrant and cohesive community life.

There are three sections in this Guide covering:

- (i) [General Participation Opportunities](#)
- (ii) [Participation Opportunities with Specific Council Services](#)
- (iii) [The Community Empowerment Act](#)

General Participation Opportunities

Councillors

There are 22 Councillors in East Lothian who are responsible for agreeing policies about the provision of services and how the Council's money is spent. Councillors are elected by East Lothian residents who are eligible to vote at Council elections which usually take place every four years.

Local Councillors are there to represent their local communities. They also have a responsibility to help individuals with difficulties that the Council may be able to assist with.

You can contact your Councillor by phone, email or post or you can go along to one of their surgeries. Surgeries provide an opportunity to talk to your councillor face to face and take place in local venues at regular intervals.

[Find out about your local Councillor, their contact details and surgery arrangements here.](#)

Community Councils

Community Councils are the most local tier of statutory representation in Scotland. Community Councils are made up of local people and play a key role in representing the views of the local community to the Council and other public sector organisations.

Community Councils often also get involved in things like fundraising, organising community events and other activities aimed at benefitting the local community.

Elections to Community Councils take place every 4 years. Casual vacancies can occur between elections when elected members resign or leave, Community Councils are responsible for filling these vacancies themselves.

You can become involved with your local Community Council by:

- Attending one of its regular public meetings
- Contacting them by phone, email or letter
- Becoming a Community Council member

[Contact details for local Community Councils.](#)

Elections

Registered voters can vote at Council, Scottish Parliament, UK Parliament, European Parliament and Community Council elections. You can find out about these elections via the [Election page](#) on our website. [You can check whether you are registered to vote by contacting the Electoral Register Officer.](#)

Area Partnerships

Six [Area Partnerships](#) were set up across East Lothian in 2014 to be the “local voice” of [East Lothian Partnership](#). Area Partnerships provide an opportunity for local communities to influence service planning and delivery in their area.



Area Partnerships develop Local Plans based on local knowledge and the needs and aspirations of the local community.

Members of Area Partnerships include local Councillors, representatives of Community Councils, Tenants and Residents Associations and Parent Councils. Other key local groups are also represented (this varies according to the area).

The Council devolves part of its annual budget to Area Partnerships, in 2016/17, this allocation amounted to £1.85 million. Each Area Partnership makes decisions on how best to use their part of the allocation to deliver local projects and initiatives.

You can get involved in your Area Partnership as a representative of one of the groups listed above or as someone with an interest in one of the Area Partnership's sub groups. You can find out more by emailing areapartnership@eastlothian.gov.uk

East Lothian Citizens' Panel

The East Lothian Citizens' Panel is made up of around 1,200 local people who have signed up to take part in regular surveys to help inform the work of East Lothian Council and other public sector partners including the Police, Fire and Rescue Service and Health Services. Panel members are also occasionally invited to take part in other activities such as focus groups and workshops.

Panel membership is open to anyone aged 16 or over living in East Lothian. [Find out more, including how to sign up as a member.](#)



Residents Reviews

Residents Reviews are a new approach which we've been developing to encourage local people to have their say in relation to services that we provide.

Residents Reviews involve a small group of volunteers exploring how we deliver a specific service. During the process the volunteer Review Team gathers evidence on the service through site visits, interviews, group discussions and the examination of service data. Feedback from the Review Team then forms the basis of a report which highlights both positive and negative aspects of the service and includes a set of recommendations.

Up until now, Residents Review volunteers have been recruited via the Citizens Panel, however, we are, looking to open up this opportunity to other local people. If you are interested in finding out more email consultations@eastlothian.gov.uk



The East Lothian Consultation Hub

You can find out about consultation / engagement exercises that might interest you by visiting the East Lothian Consultation Hub. The Hub contains information on consultations run by East

Lothian Council, but also on some of those run by organisations such as the Police, Fire & Rescue and Health Services.

We report the outcomes of consultation / engagement exercises on the Hub in the 'We Asked, You Said, We Did' section.

[Visit the East Lothian Consultation Hub.](#)

You Pay, Have Your Say – Annual Budget Consultation

For a number of years the Council has carried out a community consultation exercise prior to setting its budget. This consultation exercise gives local people an opportunity to set out their own priorities when it comes to providing local services and facilities.

We carried out [our more recent budget consultation](#) in late 2016 / early 2017. When a budget consultation is underway you can find out more and take part via our [Consultation Hub](#).

Petitions

Local residents or organisations can raise petitions relating to:

- Council services or activities, or
- The general wellbeing of the East Lothian community

A Petitions Committee usually meets four times a year to consider petitions.

[Find out more about Petitions.](#)

Comments, Complaints & Compliments

If you have a comment, complaint or compliment in relation to any of the services we provide you can let us know by contacting our Feedback Team. [You can do this over the phone, online or in writing.](#)

We use the feedback we receive to help us to improve our service provision.

The East Lothian Council website also allows members of the public to report a variety of issues online through the '[Report it](#)' section. Issues you can report include fly tipping, broken street lights, road faults and antisocial behaviour.

Residents Survey

The Council has carried out a number of large scale Residents Surveys. The most recent survey took place in early 2017. The 2017 survey gathered the views of around 1,500 local residents on a range of issues through face to face interviews in their homes.

Volunteering

Volunteering is one way in which many people get involved in their local communities. There are many and varied opportunities for people to volunteer in East Lothian – you can find out about these via the [STRIVE website](#).

The Council itself benefits from the contribution that volunteers make in relation to a number of its activities; there are examples of these throughout this guide.

Involving volunteers not only helps enhance what the Council can provide, but also offers a valuable opportunity to engage with individuals and communities.

Social Media

We currently use social media in a number of ways to share news and information. We are looking to develop our use of social media further so that we can use it more effectively to engage with local people and communities.

[Find out how we use social media including Facebook and Twitter here.](#)



Participation Opportunities with Specific Services

Housing

Tenant Participation

We are fully committed to ensuring that tenants can get involved and actively influence the services we deliver.

There are a range of options for tenants to get involved either as individuals or as part of a tenants and residents group or through the East Lothian Tenants & Residents Panel. There is a very active tenants' movement in East Lothian which has been developed in partnership with the East Lothian Tenants and Residents Panel (ELTRP).

Since the introduction of the Scottish Social Housing Charter we have also been developing opportunities for tenants to get involved in scrutiny activity.



You can read more about the opportunities for tenant participation in our [Tenant Participation Strategy](#). Or get in touch by email tenantconsultation@eastlothian.gov.uk or telephone 01620 827 526.

East Lothian Tenants and Residents Panel

East Lothian Tenants and Residents Panel (ELTRP) is the independent umbrella organisation for tenants and residents groups in East Lothian. They promote and represent the rights of tenants and tenants in East Lothian. You can get more information about ELTRP on their website www.eltrp.co.uk or contact them by email tenantspanel@hotmail.com or telephone 0131 665 9304.

Children & Families

[East Lothian Partnership's Children and Young People's Services Plan](#) outlines the Council and other partners' commitment to involving children and young people. The Plan itself was developed in close consultation with children, young people and families.

In 2015, the Children's Strategic Partnership approved the 'Golden Rules for Participation' <http://www.sccyp.org.uk/education/golden-rules>. These golden rules have been developed by the Scotland Commissioner for Children and Young People in consultation with children and young people from across Scotland.

There are a number ways in which children, young people and their families can participate in the planning and delivery of services:

East Lothian Champion's Board was launched in May 2015. It provides a platform for young people with care experience to have their voice heard.

Family Led Information Point (FLIP) is a forum for parents and carers who have a child / relative with additional support needs. FLIP meets once a month and has an active Facebook page.

Viewpoint (Computer Assisted Interviewing Technology) is used to gather the views of looked after children and young people. Results are fed into individual children / young people's plans and reviews, but are also used to inform service providers.

Student Evaluation of Experience Survey is carried out by the Education Service on an annual basis. Primary 6 and Secondary Year 2 pupils are surveyed on a range of subjects including their local community, community safety, participation, child protection and the environment. The findings help to inform service planning.

Pupil Councils are made up of pupil representatives and are in place in all East Lothian secondary schools. Pupil Councils consider aspects of how the school is run. Similar arrangements are in place in primary schools.

The East Lothian Youth Council provides a forum for young people across the county to discuss and campaign on issues affecting them. The Youth Council links with Scottish Youth Parliament national campaigns.

East Lothian young people are also represented in the **Scottish Youth Parliament**. Three young people are elected every two years to represent East Lothian.

Increasing use is being made of **Social Media** as a tool to engage with young people and their families. Facebook and Twitter provide popular forums where young people can access news and information and share their views. Young people can also engage through the **Young Scot [website](#)**.

We are currently developing a new **Parental Involvement Strategy** which will cover the range of ways that parents can get involved in their child's education – this will be available on our website once completed. In the meantime, you can find out more about Parental Involvement by emailing vmcintyre@eastlothian.gov.uk

Parent Councils are just one of the ways in which parents and carers can be actively involved in their children's schools. Parent Councils have a key role to play in many school decision making processes. You can find the contact details for Parent Councils [here](#).

Support from the Start (SFTS) provides friendly, free, high quality support and activities to help parents of babies and young children. There are six SFTS groups in East Lothian, each focused on what's needed locally. Parents are actively encouraged to get involved in helping to shape what is provided in each area.

You can contact Support from the Start by emailing supportfromthestart@eastlothian.gov.uk or find them on Facebook.

The Child & Adolescent Mental Health Service (CAMHS) Team makes use of user feedback questionnaires and focus groups to help review and develop the service provided. 'Tier 4' service users are also supported by individual and group advocacy provision.

Health & Social Care

The East Lothian Health and Social Care Partnership is developing an Engagement Strategy outlining how it will engage with local communities, service-users, carers, providers and other stakeholders. This will be available on the East Lothian Council website later in 2017.

Engagement in relation to health and social care often involves contact with organisations that represent specific interest groups. These organisations include, for example, [Carers of East Lothian](#), [East Lothian Community Care Forum](#), [Partners in Advocacy](#), [East](#)

[Lothian Consultation and Advocacy Promotion Service](#) and [East Lothian Young Carers](#).

There is also an **East Lothian Learning Disability Joint Planning Group** in place which includes representation of service users, carers, service providers and housing, health and social work staff. The Group meets once a month to gather views on the planning and delivery of services and to monitor Strategic Priorities.

East Lothian Carer's Joint Planning Group meets once a quarter, there and includes representation from Carer's of East Lothian, East Lothian Young Carers, Area Manager and representation from the NHS.

Planning

Strategic Planning

Local people and communities have the opportunity to be consulted in relation to planning that takes place at a strategic level. A good example of this is the extensive public consultation that has taken place in the preparation of the Local Development Plan. The current Local Development Plan was submitted to Scottish Ministers in spring 2017, but public and stakeholder consultation began as early as spring 2012.



Find out more about the Local Development Plan [here](#). Other strategic planning consultations are advertised in the local press and posted on the [East Lothian Consultation Hub](#).

Planning Applications

Anyone can make comments in relation to planning applications. These can take the form of objections, support or observations about the application. Comments can be made online via [Planning Online](#) or by email or in writing.

You can find out about planning applications underway via Planning Online or through the local press. Or if the planning application is within 20 metres of your property you will receive 'neighbour notification'.

Developers often carry out consultation exercises in relation to developments they are intending to apply for planning permission for (for example, housing developments). These will usually be held and advertised locally, but it is worth noting that the Council is **not** part of this process.

Libraries & Museums

Museums run by East Lothian Council benefit from the involvement of a number of groups – these include:

- Friends of the John Gray Centre
- Dunbar and District History Society
- Coastal Communities Museum Trust
- Musselburgh Museum and Heritage Group

- Dunbar Town House Working Group
- Prestongrange Railway Society
- Friends of John Muir's Birthplace
- John Muir's Birthplace Charitable Trust
- Good Memories Café

Community groups also have the opportunity to stage their own exhibitions at the John Gray Centre and at Dunbar Town House Museum and Gallery.

In addition, there are opportunities for individuals to participate in the Museum Service as volunteers (in relation to collections, events and activities).

Similarly, libraries in East Lothian benefit from the involvement of volunteers in many of the groups they run, for example, the home library service, Bookbug sessions, homework clubs and Lego clubs.

Parks and Open Spaces

East Lothian Council owns or manages many of the best wildlife locations and popular countryside destinations in the county. Five of these sites are managed through advisory groups which include local representatives. Management Plans for all sites are reviewed every five years, offering an opportunity for public consultation.

A strong network of volunteers help out with a range of tasks related to managing sites, this includes volunteer path wardens,

ecological surveyors, livestock checkers, litter pickers and Junior Rangers. Many of East Lothian's public parks benefit from the support of 'Friends of' groups made up of local volunteers and 'In Bloom' groups are also very active in a number of towns.

You can find information on this type of volunteering [here](#).

Roads

Amendments to Traffic Regulations and new Traffic Regulation Orders are published on the ['Tell Me Scotland'](#) website. Where a consultation is being carried out, details are also published on the [East Lothian Consultation Hub](#).

The Roads Service carries out statutory consultation when required, but also regularly carries out non statutory consultation exercises to inform planning and decision making.

Community Centres

Community Centre Management Committees give local communities an opportunity to be involved in the running and development of their local Community Centre.

Management Committees are often made up of representatives of Community Centre user groups, although individuals with specific skills are also often sought as Committee members. Management Committee members are all volunteers and are supported by Community Development Officers and at time

other advisors. Committees tend to meet every 4 to 6 weeks to discuss any issues, plan for the future and monitor the organisation's financial position.

Find out about your local Community Centre and contact details for the relevant Community Development Officer by emailing cldmusselburgh@eastlothian.gov.uk

Community Organisations

East Lothian Council's Community Learning & Development Service supports a wide range of voluntary / third sector organisations in East Lothian. These organisations often provide an opportunity for local people to get involved – some examples include Lamp of Lothian Trust, DadsWork, First Step Community Project, East Lothian Roots & Fruits, West Barns Village Hall and East Lothian Play Association.

You can find out more about local voluntary / third sector organisations you may be interested in by contacting your [local Community Development Officer](#) or by visiting the [STRiVE website](#).

Leisure & Sports

Community Sports Hubs bring together sports clubs and other local partners who want to develop and grow sporting opportunities



within their local community. The aim is to ensure community sport is 'locally driven, locally planned, locally owned and widely supported.' There are [Community Sports Hubs in each of the six East Lothian cluster areas](#).

A number of Council sports assets / facilities are leased and managed by community groups including golf clubs, tennis courts, bowling greens, 3G pitches and pavilions.

Getting involved as a volunteer in a local sports club is one way that many people engage in their local community. You can find out more about sport / leisure activities generally and opportunities to volunteer by visiting the [Active East Lothian](#) website.

Community Safety

Community and Police Partnerships (CAPPs) provide an opportunity for members of the public to meet with Police representatives to identify local community safety related issues. Feedback from CAPPs is used to help inform the deployment of local Police resources and can also guide the deployment of the Council's Community Wardens and Youth Outreach Workers.

Problem Solving Partnerships (PSPs) are a tool used by the Council to help resolve local antisocial behaviour issues. PSPs bring together Police and Council officers, local Councillors and at least one member of the local community.

The Community Empowerment Act

The Community Empowerment (Scotland) Act 2015 is a significant piece of legislation which will further enhance opportunities for the active participation of communities. The Act created new responsibilities and powers for the Council and other public bodies to help empower communities.

The Council is currently working to put in place the provisions of the Act concerning Community Planning, Participation Requests, Asset Transfer Requests, Common Good Property and Allotments. Some of the opportunities for communities are briefly described below, you can find out more by visiting the [Scottish Government website](#).

Participation Requests

The introduction of 'participation requests' by the Community Empowerment (Scotland) Act 2015 provides communities with a new mechanism for having their say in relation to how public services are planned and delivered. Community groups can make a participation request to the Council (as well as to other public service providers) to open a dialogue on issues they feel are important, with a view to improving outcomes.

As demonstrated in this guide, there are already a wide range of opportunities for communities and individuals to participate in Council services. Participation requests are a more formal way of doing this and are available to community bodies rather than individuals. If there is something you want to change about Council services, please speak to a service manager first.

To find out more about participation requests, email cdora@eastlothian.gov.uk

Asset Transfer

Under the Community Empowerment Act, communities have the right to make requests to local authorities, Scottish Ministers and a range of other public bodies for the transfer of land or buildings they feel they could make better use of. This can include requesting ownership, leasing or other rights.

More information is available on the [Scottish Government website](#), or email jplacido@eastlothian.gov.uk

Community Right to Buy

The Community Empowerment Act extends the community right to buy land to cover both urban and rural land and changes some of the procedures previously introduced by the 2003 Land Reform Act. The Act also makes provision for communities to buy land that is abandoned, neglected or detrimental to the environmental wellbeing of the community, where the owner is not willing to sell the land.

More information is available on the [Scottish Government website](#).

APPENDIX C: East Lothian Council Community Asset Transfer – Policy and Guidance

This policy and guidance is prepared in the context of the Community Empowerment (Scotland) Act 2015, which enables community transfer bodies to request to:

- buy land or a building owned by the Council
- lease land or a building owned by the Council
- occupy or use the land or building owned by the Council for a particular purpose

A request can be made whether or not the asset is available for sale or deemed surplus to requirements.

1. Policy statement

East Lothian Council holds its property assets as a resource to be used in the delivery of services and to support the delivery of the East Lothian Partnership outcomes. The Council also has a duty to secure Best Value for public money and a decision to transfer an asset must represent good use of public resources.

The Council recognises the role which community ownership of assets can play in regenerating communities and will work with and advise voluntary and community organisations who wish to explore the possibility of asset transfer. The Council will consider the transfer of assets to well-run community organisations which can deliver a wide range of benefits to the local community. These include empowering local communities to address local needs, stimulating opportunities for volunteering and skills development, developing community enterprise and local income streams, thereby contributing to supporting and sustaining local services. A key objective to community ownership of assets is that they contribute to the delivery of local and national strategic outcomes for communities and this will form a critical part of the appraisal of requests for asset transfer, for example whether agreeing to the request would be likely to promote or improve:

- economic development,
- regeneration
- public health
- social wellbeing
- environmental wellbeing
- reducing inequalities of outcome from socio-economic disadvantage

The Council has in place a process for consideration of requests for asset transfer in accordance with the Scottish Government Guidance for Relevant Authorities, dated January 2017.

2. Guidance

This guidance is for community bodies interested in acquiring or leasing an asset belonging to East Lothian Council. It is designed to make the process clear and ensure that organisations provide the information needed for the Council to understand the purpose of the request and how it will bring about benefit for the community in a viable and sustainable way. The guidance provides information on what interested community bodies must do in making an application to lease or purchase land or property from the Council and explains how the Council will assess and determine an application.

2.1 Key Principles in consideration of transfer of assets

- Community asset transfer is driven by the delivery of services and their outcomes and not by the availability of assets. The Council is committed to ensuring that all assets are used effectively to deliver sustainable services whether or not they are owned by the Council or controlled by community bodies.
- The Council will be proactive in supporting community bodies who wish to develop proposals for asset transfer or lease to ensure their reasons for request are likely to improve services for their communities. A group of senior staff from cross Council services will provide information and advice throughout the process.
- The Council will compare the benefits of the proposal in a request to the benefits of any alternative proposals, including those from the Council itself. This may include the continued use of an asset by the Council to deliver a service rather than approve a transfer request. It may also include the disposal of a surplus asset on the open market, if this is assessed to be a better outcome and achieves Best Value.
- The Council will assess asset transfer requests transparently against criteria which will include evidence of the ability of the community body to fund and sustain the asset in the long-term and without ongoing Council commitment.
- The Council will consider whether the cost of transfer would affect the Council's budget to the extent that it reduced its ability to deliver its functions, even after taking account of the proposed benefits.
- It is important that community transfer bodies should not assume that asset transfers will be at a nominal sum and will normally be priced at market value although assets may be transferred at less than market value. This is explained in Section 14 of the Asset Transfer Guidance for Community Bodies ([hyperlink](#)). Where appropriate, the Council and the community transfer body will obtain a joint valuation to obtain a figure on which discussions will be based.

2.2 Eligibility requirements for bodies making a request for transfer of an asset for ownership or lease.

To make an asset transfer request, the Act requires an organisation to be a 'community transfer body', which means it is either a 'community controlled body' or alternatively a body specifically designated by the Scottish Ministers as a community transfer body.

To qualify for **ownership** of an asset as a 'community controlled body' and a 'community transfer body', the group must be:

- a Scottish Charitable Incorporated Organisation (SCIO) or a Community Benefit Society, the registers rules of which include provision that the organisation must have no fewer than 20 members, or
- a company with written constitution or articles of association which has provision that:
 - the company has no fewer than 20 members and has
 - provision for transfer of assets if the community controlled body is wound up, to make sure the asset is passed on to another community or charitable organisation or other approved body as the Scottish Ministers may direct.

For **lease, management and other rights**, the group has to be a Community Controlled Body which has a written constitution which includes the following:

- a definition of the community to which the body relates
- provision that the majority of members of the body consists of members of that community
- provision that the members of the community body have control of the body
- provision that membership of the body is open to any member of that community
- a statement of the body's aims and purposes, including the promotion of a benefit for that community
- provision that any surplus funds or assets of the body are to be applied for the benefit of that community.

Essentially, community transfer and controlled bodies may take many forms with a range of legal structures and are visibly open, inclusive and accountable organisations.

2.3 Initial expression of interest

The Scottish Government has published separate Guidance for Community Transfer Bodies which describes how organisations should apply for transfer or control of assets. (*Asset Transfer Guidance for Community Transfer Bodies.*) The Council encourages groups to discuss their ideas and proposals in the first instance with their local Area Partnership Manager who will provide guidance with the preparation of a request and the completion of an initial Expression of Interest Form. This will

facilitate an exchange of information and discussion and will assist groups to decide whether it is appropriate for them to move on to submit all of the information required for an Asset Transfer Request under the Act. This stage of engagement will also support organisations to ensure that if and when a request for asset transfer is made, it contains the relevant information and can be validated. At this stage, the Council may provide a range of information about the land or buildings, which, if available, could include an indication of the approximate value of the asset of interest to the community transfer body. The Expression of Interest Form is available on the Council's website. ([Asset Transfer - Expression of Interest Form](#))

2.4 Making a request for Asset Transfer

There is a formal process defined by the Community Empowerment (Scotland) Act 2015, which needs to be followed and timescales for responding to requests are also set out in the Act. Groups are strongly recommended to follow the Asset Transfer Guidance for Community Transfer Bodies, prepared by the Scottish Government. An asset transfer request to the Council must be made in writing using the Asset Transfer Request Form on the Council's website. (hyperlink) The application must include the following information:

- that the request is being made under Part 5 of the Community Empowerment (Scotland) Act 2015
- the name and address of the community transfer body
- confirmation that the application is made by a community controlled body and has community support
- the land or building to which the request relates
- the reasons for making the request
- how the proposal will be funded
- the benefits which the community transfer body considers will arise if the authority were to agree to the request
- if the request is for ownership, the price offered for the land or building, or if the request is for a lease or other, the rent, duration and if relevant, the nature and extent of rights sought.

The Council will not sell the land or building to any other party until the request is dealt with. We will also advise those who own, rent or use the land or building of the asset transfer request and publicise the request on the Council's website. There is a period of 4 weeks after this for public comments on the request to be made to the Council.

2.5 Assessing asset transfer requests

All applications will be assessed by the Council's Capital Investment and Asset Management Group, which is a cross Council group of officers from relevant services. The Council will follow Scottish Government Guidance in assessing requests, taking the following matters, into consideration:

- the reasons for the request

- the value to the authority in the existing use of the asset
 - feasibility and cost of relocation of services elsewhere
 - potential revenue savings arising from the transfer
- the value for alternative use/redevelopment
- whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage
- the level of community benefits
 - extent of community served
 - nature of benefits to be delivered as set out in the Policy Statement in section 1 above.
 - links to the Council's corporate priorities and outcomes
 - community need/demand for the services
- the likelihood that benefits will be delivered over a 5-year period
 - strength and sustainability of organisation's governance and financial arrangements
 - sustainability of business plan/project
 - sources and level of funding support
- the impact of project failure
 - to surrounding environment
 - to reputation of the parties
 - to the service users / relevant authority's objectives
- any obligations imposed on the authority by or under any enactment or otherwise, that may prevent, restrict or otherwise affect its ability to agree to the request
- how the request relates to the Council's duties under Equalities legislation
- how Best Value characteristics are evidenced and contained throughout the overall approach.

The strength of a proposal will also be considered against the financial implications of any decision both for short-term budget planning and long-term asset strategies including for future growth. This will include the consideration of the current use of the asset and any consequent implications that could arise from the transfer of the asset.

The information provided should demonstrate that the project has clear objectives, including the projected outcomes and impacts sought by the community transfer body alongside any associated dependencies, constraints and risks identified.

3. How long will the process take?

When a request is received, the Council will check that it contains all the required information and that the organisation making the request qualifies as a community

transfer body. After a request has been validated, the Council will issue a decision to the community body setting out the reasons for its decision within six months from the date that the asset transfer request was validated. There may be reasons why a decision cannot be made within 6 months, for example for a complex request, and a longer period may be required. This will to be agreed between the Council and the community transfer body as quickly as possible and before the 6 month period expires.

4. Decision

The Council will issue a decision notice to the community body making the request setting out the reasons for its decision within the timescales set out above.

If the request is *agreed*, the notice will:-

- specify the terms and conditions on which the Council is prepared to transfer ownership, lease the land or confer other rights requested
- state that the community body must submit an offer to proceed with the process, and
- give the date by which the offer must be submitted (this will be at least 6 months from the date of the decision notice).

If a request is *refused*, the decision notice will set out:-

- the reasons why the Council has refused the request
- explain that an application for review or an appeal can be made
- explain how and to whom an application for review or an appeal to the decision may be made
- that the appeal application must be made within 20 working days from the date of the decision notice

Notification and Publishing

The Council will send the decision notice to the Community Transfer body and publish it online. It will also advise those who made representations of the decision.

5.0 After Agreement

The Community transfer body must submit an offer to take ownership of, or lease of the land or building, based on the terms and conditions set out in the decision notice. The Council will continue to work with and support the community transfer body during this period to agree a final contract for the transfer. However, if no offer is made by the date set in the decision notice (and no appeal has been received from the community transfer body in relation to the terms and conditions within 20 days of the decision notice) the process is at an end and the Council will be free to make a decision about the future of the asset.

6.0 Reviews and Appeals

The Council will follow the procedures set out in Sections 17 and 18 of the Asset Transfer Guidance for Community Transfer Bodies.

6.1 Reviews

A community transfer body can seek a review if:

- the Council refuses the request
- the request is agreed, but the terms and conditions in the decision notice are significantly different from those in the request, or
- no decision notice is issued by the Council within the required period

A request for a review must be made in writing to the Council within 20 working days from the date of the decision notice as set out in Appendix 2. The Council will notify anyone who made representations on the original asset transfer request within 10 working days of receipt of the request for review.

The community transfer body must state the reasons for their request for review and all of the documents related to the review will be published on the Council's website. To assist the review process, the Council may ask interested parties for more information and arrange a hearing session if required.

The review of an asset transfer decision will be carried out by the Council's elected Councillors as required by the Act.

6.2 Appeals

A community transfer body can appeal to the Scottish Ministers if

- they are unhappy with the outcome of the Council's review
- following agreement to an asset transfer request, the Council has not concluded the contract within the agreed time period as set in Appendix 3.

A request for an appeal must be made in writing to the Scottish Ministers within 20 working days from the date of the decision notice as set out in Appendix 2.

The procedures for appeals to the Scottish Ministers are set out in Section 20 of the Asset Transfer Guidance for Community Transfer Bodies.

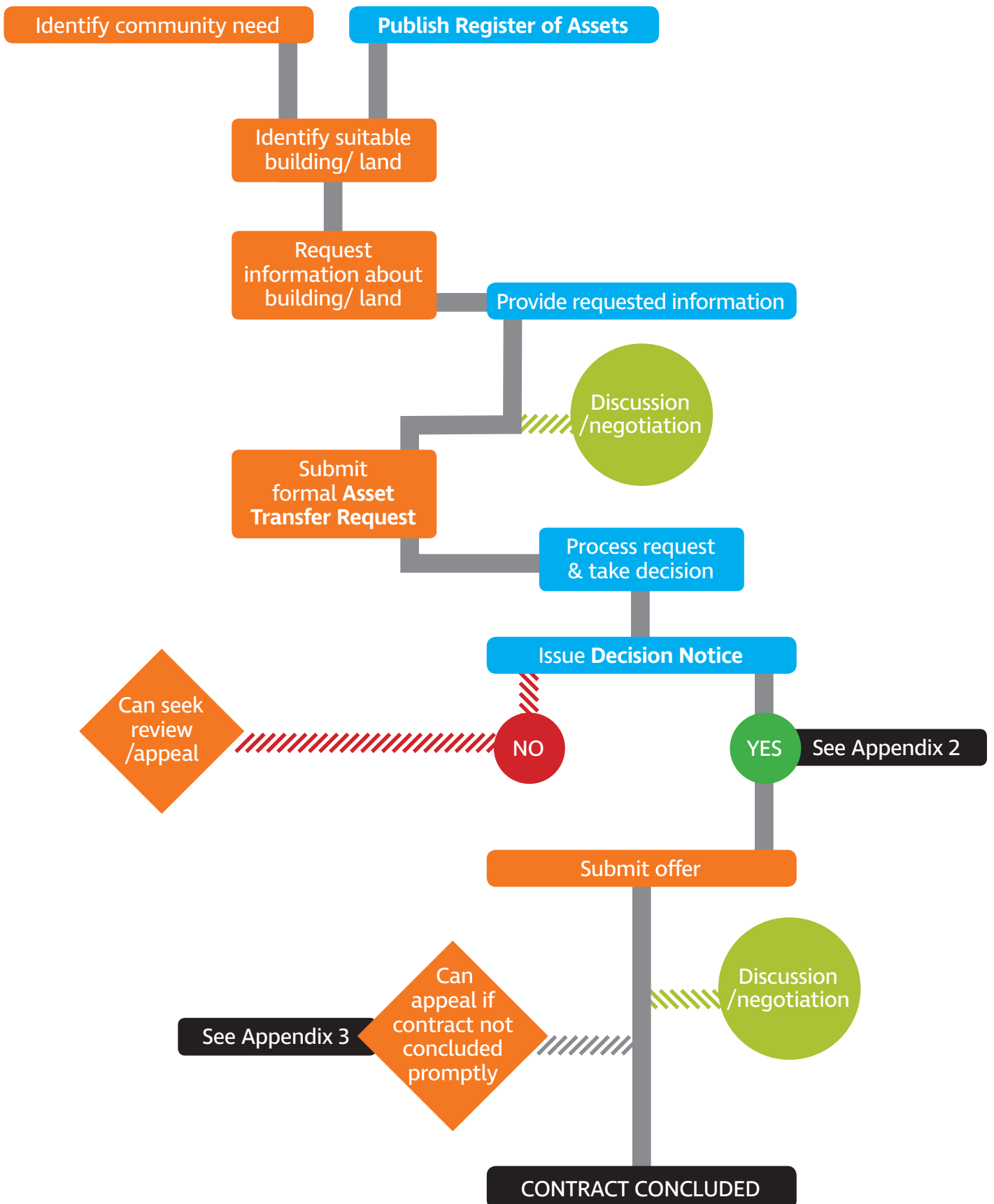
Appendices to be incorporated

Appendix 1
Summary of Asset Transfer process - flowchart

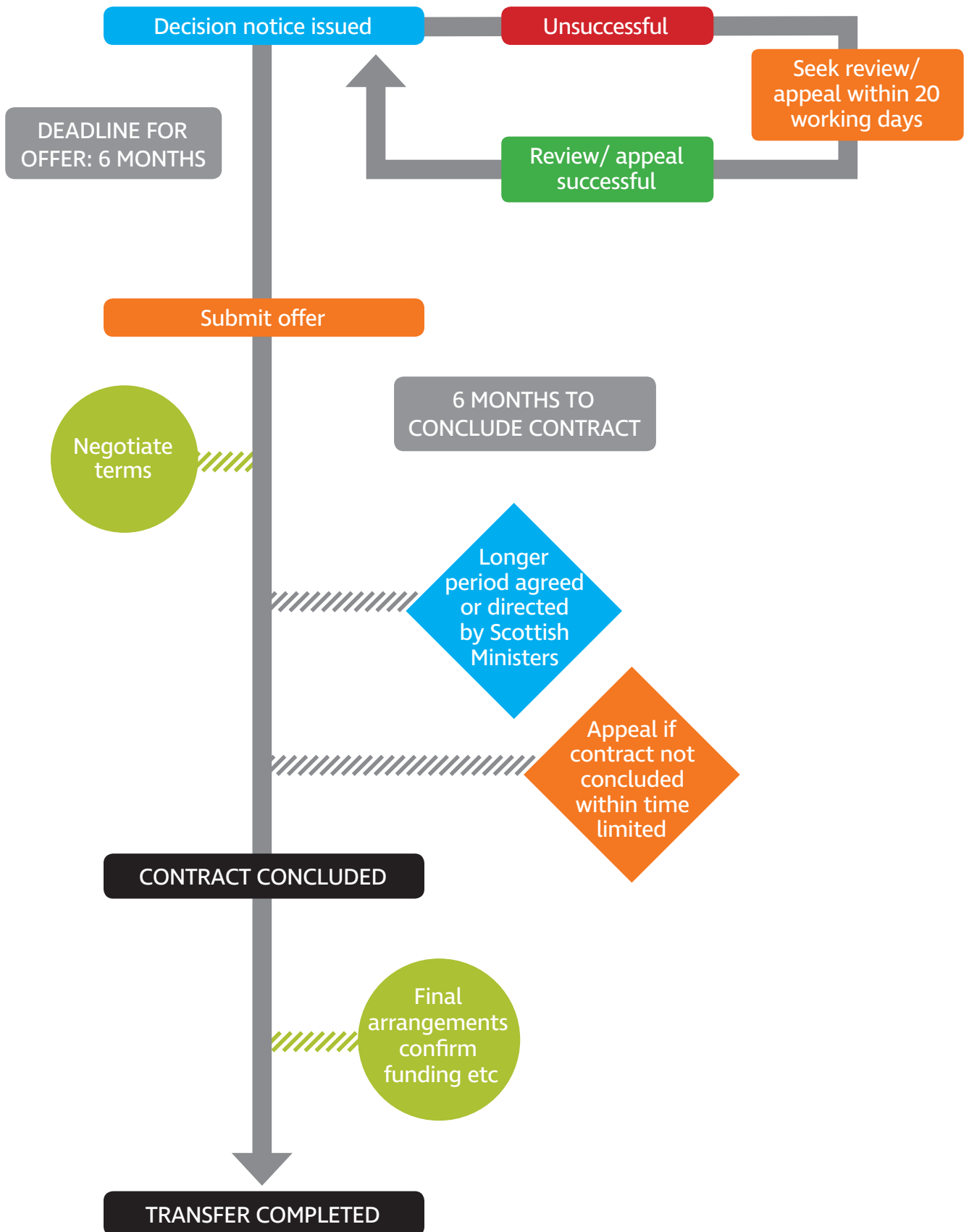
Appendix 2
Summary Process following Decision - flowchart

Appendix 3
Appeal where no contract is concluded - flowchart

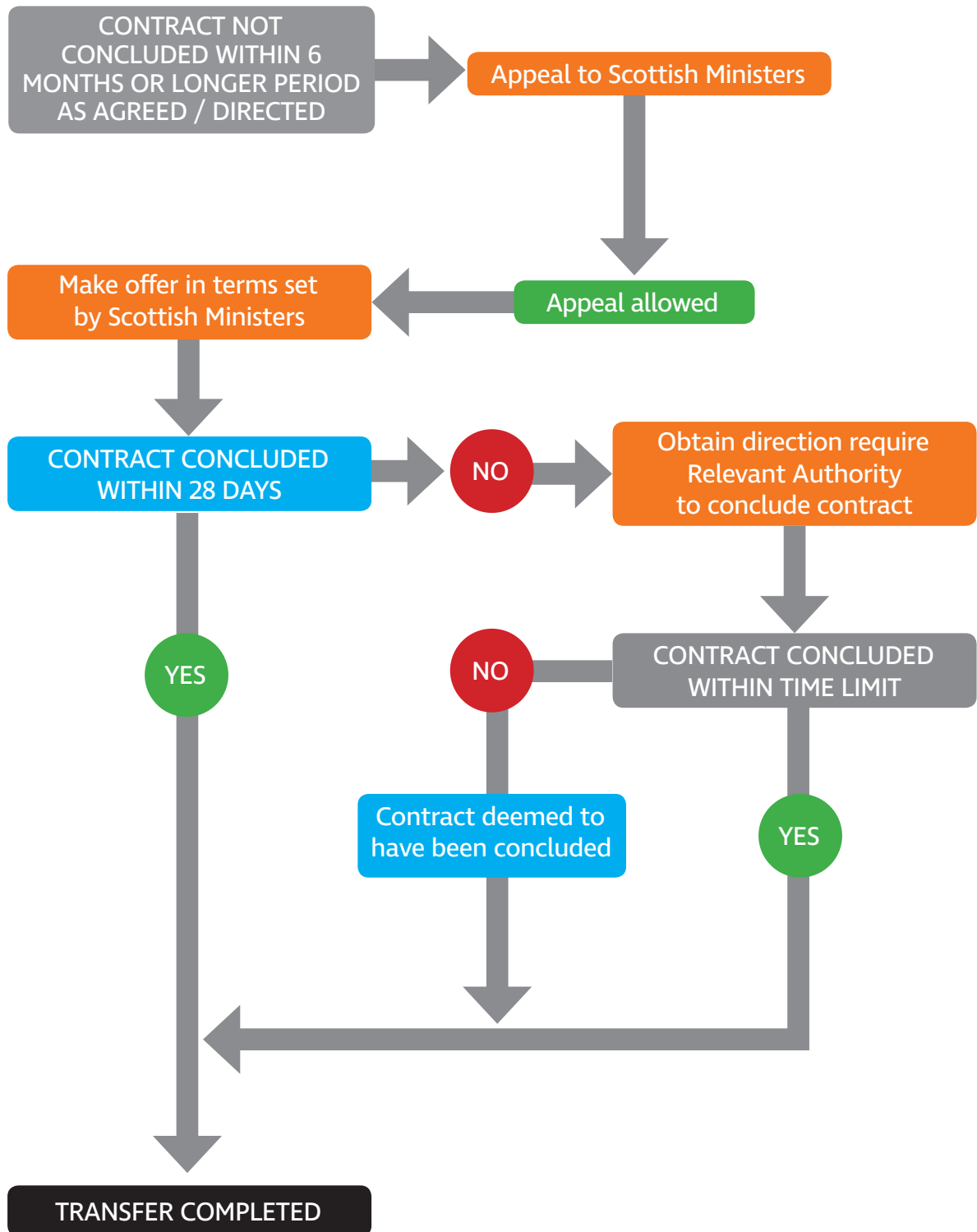
Asset Transfer process overview



Post-decision process overview



Appeal process where no contract concluded



REPORT TO: Cabinet

MEETING DATE: 12 September 2017

BY: Chief Executive

SUBJECT: East Lothian Equality Plan 2017-2021

6

1 PURPOSE

- 1.1 This paper seeks approval for the Council's draft Equality Plan 2017-2021. The Equality Plan seeks to meet the requirements of the public sector equality duty arising from the Equality Act 2010 and set out the commitment of East Lothian Council, East Lothian Licensing Board and East Lothian Council as an Education Authority to equal opportunities.
- 1.2 The Equality Plan frames this work in the context of the Council's overarching commitment to 'reducing inequality within and between our wards' and connects all work which is aimed at reducing the impact of poverty and inequality. This ensures that the Council is well placed to meet the potential requirements of the forthcoming introduction of the Socio Economic duty later in 2017.

2 RECOMMENDATIONS

- 2.1 Cabinet is recommended to approve the Equality Plan 2017-2021, agree the outcomes identified in the Plan and to support the work towards achieving these outcomes.

3 BACKGROUND

- 3.1 The key purpose of the Equality Act is to ensure that any individual is treated fairly at work and when using services. As a local authority, East Lothian Council is required to implement the Public Sector Equality Duty (PSED) in addition to the provisions relating to employment, education and training. The purpose of this duty is to ensure that we consider how we can positively contribute to a more equal society through advancing equality and good relations in our day to day business. The general duty requires the Council to

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 3.2 The Council as an Education Authority and as administrators of the Licensing Board also need to meet the requirements of the Equality Act, including the specific duties.
- 3.3 The Scottish Government is currently consulting on the introduction of a new duty on public bodies that will see the introduction of a new socio economic duty by the end of 2017. The socio-economic duty asks particular public authorities to do more to tackle the inequalities of outcome caused by socio-economic disadvantage. In particular, the duty aims to make sure that strategic decisions about the most important issues are carefully thought through so that they are as effective as they can be in tackling socio-economic disadvantage and reducing inequalities of outcome.
- 3.4 The purpose of East Lothian Council's Equality Plan is to clearly state the Council's commitment to equality and diversity and to demonstrate how we are meeting the requirements of the Equality Act 2010. Together with its action plan, it identifies key priorities for achieving improved equality outcomes in a targeted and consistent way across the Council.

4 POLICY IMPLICATIONS

- 4.1 East Lothian Council is required to publish a set of equality outcomes which it considers will help it to implement the general equality duty as outlined above. Equality outcomes should be seen as 'results intended to achieve specific and identifiable improvements in people's life chances'. The equality outcomes set will provide the focus for equality work over a three year period. Therefore, the outcomes that are proposed are informed by a review of evidence which highlights particular equality issues facing different groups in the community.
- 4.2 Also, the Council is required to demonstrate that equality is mainstreamed across the organisation. The plan also outlines our commitment to key ways of working which ensure that equality is an important part of the way we work including our approach to Integrated Impact Assessment, monitoring equalities in employment and incorporating equalities into our business planning and self-assessment processes.
- 4.3 The proposed outcomes are outlined below. Performance indicators have been identified to track progress against achieving the shorter term outcomes identified and can highlight progress for particular equality

characteristics. There are a number of important strategies that are currently being developed (e.g. a new Local Housing Strategy and new Local Outcome Improvement Plan) and may impact on the outcomes outlined in the Equality Plan. If required, we will update the Equality Plan to reflect new developments as required.

East Lothian Council Equality Outcomes 2017-2021

1. East Lothian Council is a positive workplace for all employees

- East Lothian Council will strive to be a workplace free of harassment and discrimination.
- East Lothian Council will continue to monitor and review pay grades to ensure any pay differentials are fair and appropriate in terms of work undertaken
- East Lothian will continue to promote a range of flexible employment practices that affords our employees a better work life balance and choices whilst meeting business needs
- East Lothian Council strives to ensure through positive action our workforce reflects the local community demographics
- East Lothian will strive to develop and promote employment opportunities for young people of East Lothian both within the Council and across the local business community.
- East Lothian Council will have a range of opportunities for employees to develop successful career paths

2. All of East Lothian's young people are successful learners, confident individuals, effective contributors and responsible citizens

- Close the gap in educational outcomes for those children and young people impacted by socio-economic disadvantage
- Close the gap in literacy rates between boys and girls in primary school
- Improve the health and wellbeing of children and young people with protected characteristics

3. In East Lothian we live healthier, more active and independent lives

- See East Lothian Health & Social Care Partnership Equality Outcomes 2016 – 2018 [here](#)

4. Everyone in East Lothian has access to quality sustainable housing *

- People with particular needs are able to get and sustain their choice of housing, including independent living
- Increase housing supply and improve access to housing, including affordable housing

*Please note that a new Local Housing Strategy is currently under development and new outcomes will be consulted on in September and October 2017. Once available these will be incorporated into the Equality Plan.

5. Fewer people are the victim of crime, disorder and abuse in East Lothian

- Improved levels of safety for women and children experiencing domestic abuse
- Reduced incidence of hate crime
- Increased confidence in reporting hate crime

6. East Lothian has strong, vibrant communities where residents have a sense of belonging

- East Lothian equalities communities can meet to celebrate or raise awareness of cultural heritage or specific issues affecting them
- East Lothian Communities are well informed and can influence decisions that matter in their local areas

7. Fewer people experience poverty in East Lothian

- Local communities are empowered to tackle poverty
- The causes of poverty are tackled and the impact of poverty is reduced or mitigated against.

8. East Lothian Council services will meet the needs of all those in the community

- Equality and socio-economic disadvantage is taken into account when planning and designing services and when making decisions

- East Lothian Council has increased knowledge and capacity about equality, diversity and poverty
- East Lothian Council Procurement Practices ensure equality is a core part of the tendering process
- East Lothian Council is meeting its responsibilities and duties under the Equality Act 2010 and subsequent Regulations

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 An Integrated Impact Assessment has been undertaken and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – the Equality Plan focuses on mainstreaming equality into existing services and therefore no additional financial resources are required. The Plan is also supported by the Corporate Equalities Budget.
- 6.2 Personnel - none
- 6.3 Other – the development of the Equality Plan is a key step in ensuring that the Council meets its legal obligations set out in the Equality Act 2010.

7 BACKGROUND PAPERS

- 7.1 East Lothian Council Equality Plan 2017-2021
- 7.2 Get in on the Act - A Guide to the Equality Act for Elected Members
- 7.3 'East Lothian Single Equality Scheme' 2013-2016

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DATE	04-09-2017

East Lothian

Equality Plan

2017-2021

August 2017



This document is available in different formats and in different languages. If you would like a copy in another language or format, please email equalities@eastlothian.gov.uk or phone 01620 827136 to request a copy.

Contents

Introduction by the Chief Executive and Leader of East Lothian Council

Section 1: Why we developed an Equality Plan

- The Importance of Tackling Poverty & Promoting Equality & Inclusion
- The Purpose of the Equality Plan
- The Equality Act 2010 and Our Responsibilities

Section 2: How we developed the Plan

- Outcomes
- Factors influencing the new Equality Plan
- Emerging issues for Council Services
- Equality Evidence Review
- Building on existing work

Section 3: Delivering Equality in East Lothian

- How we can advance Equality of Opportunity
- East Lothian Equalities Outcomes 2017 - 2021

Section 4: East Lothian Council: Education Authority

Section 5: East Lothian: Licensing Board

Section 6: East Lothian Council: Employer

Section 7: Mainstreaming Equality

- Service Planning and Performance
- Understanding the Impact of our work
- Equalities monitoring
- Self-evaluation
- Reporting performance
- Community Engagement
- Procurement

- Equality Training and Development
- Fostering Good Relations

Section 4: Keep in touch

- Contact Details

Introduction

East Lothian Council, Education Authority & Licensing Board believes that equality is a fundamental right that everyone should have. No one should be denied opportunities because of who they are and everyone should be able to be themselves. This principle must underpin all of the work that the Council does. To put this into practice, we need to:

- recognise that some people can experience discrimination and inequality;
- ensure our services meet the needs of people in our communities and that communities have choice and control over the services they use where appropriate;
- challenge ourselves to tackle any inequality that exists in our communities and work together with our partners to improve outcomes for equality groups; and
- tackle prejudice and negative attitudes towards people and celebrate the diversity within our community.

East Lothian has changed significantly in recent years. The county continues to have population growth ahead of other local authority areas, with an increasing number of young people and a growing elderly population. Over the coming years the impact of the Local Development Plan will result in a significant increase and diversity across our communities.

The Community Empowerment (Scotland) Act 2015 brings new requirements for the Council and its partners to work with the community and ensure that everyone has the opportunity to participate in local decision making. The East Lothian Poverty Commission has reminded us all of the negative impact of poverty on individuals and communities, and the need to work together to tackle inequality.

This plan sets out our commitment to tackling inequality and promoting inclusion. We believe that we need to lead the way in planning and delivering services which meet the needs of our diverse communities and respond to the changes ahead. We also must strive to be a good workplace for all our employees and to promote positive work experiences for our young workforce.

We look forward to supporting equality in all aspects of the Council, Education Authority & Licensing Board's work and employment practices and to reporting the progress we make to you over the coming years.

Angela Leitch, Chief Executive East Lothian Council & Cllr Willie Innes, Council Leader

Section 1: Why we developed an Equality Plan

The Importance of Tackling Poverty and Promoting Equality and Inclusion

'An equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would choose, so that everyone can flourish. An equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and be.' UK Equalities Review 2007

This definition of equality captures three aspects of equality:

Opportunity - whether everyone really has the same chance to reach their potential

Agency - what degree of choice and control an individual has in taking part

Process – whether discrimination (or the way we do things) causes or contributes to a particular inequality.

What is the purpose of the Equality Plan?

The purpose of the Equality Plan is to clearly state the Council's commitment to equality and diversity and to demonstrate how we are meeting the requirements of the Equality Act 2010. It also frames this work in the context of the Council's overarching commitment to 'reducing inequality within and between our wards' and connects all work which is aimed at reducing the impact of poverty and inequality.

Together with its action plan, the Equality Plan identifies key priorities for achieving improved equality outcomes in a targeted and consistent way across the Council. The Equality Plan contributes to all aspects of the Council's Plan 2017-2022 and to the following strategic themes outlined in the Plan:

- Growing our Economy
- Growing our People
- Growing our Communities
- Growing Our Capacity

East Lothian Council through its work on reducing inequality and promoting equality and diversity aims to:

- Continue to lead a culture where respect, choice and understanding is fostered and diversity positively valued;
- Maintain a working environment where unlawful discrimination, harassment, victimisation or bullying is not tolerated;

- Continue to develop our understanding of the needs of different individuals and communities in a time of rapid change;
- Continue to embed the equality agenda in all our work, and contribute to the early intervention and prevention approach adopted by the Council and its Partners;
- Improve understanding of the impact of poverty and inequality on people's lives; and
- Ensure that we plan and deliver services which meet modern standards of delivery and that are inclusive of a wide range of different needs from digital services to face to face interactions

The Council as an **Education Authority** also needs to meet the requirements of the Equality Act, including the specific duties. The Council also administers the **Licensing Board** and needs to meet the requirements of the Act when undertaking its duties in this regard. The commitments of these bodies are also contained in this Plan.

Through this work, we will meet our legal obligations to remove disadvantage, advance equality of opportunity and promote good relations with various groups. The Plan also aims to develop our work on all protected characteristics. It furthers work of previous equality schemes and action plans.

The Equality Act 2010

The purpose of the Equality Act is to ensure that everyone, whether at work or in using a services has the right to be treated fairly. It protects people from discrimination on the basis of certain characteristics. These are known as protected characteristics and they vary slightly according to whether a person is at work or using a service.

During the course of 2017, the Scottish Government intend to enact a further requirement on public sector bodies to consider 'socio economic status' alongside the protected characteristics outlined below. East Lothian Council has already aligned work in relation to poverty and inequality alongside work on equal opportunities recognising the relationship and compounding nature of poverty and social exclusion. The work of the East Lothian Poverty Commission will heavily influence work to address poverty and inequality across the Council.

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership (the law provides protection in the area of employment and vocational training only)
- Pregnancy and maternity

- Race
- Religion and Belief
- Sexual Orientation
- Sex (formerly known as gender)

What is Discrimination?

Discrimination comes in different forms. It can be:

- **Direct** when someone's gender, ethnicity, faith, sexual orientation, age, disability or being transgender is used as an explicit reason for treating them differently. This is the kind of discrimination that people often recognise easily.

An example might be where a community learning and development worker refuses to work with someone because they are gay.

- **Indirect** when there are rules, services or ways of doing things that have the effect of discriminating against certain groups

For example, the venue you choose for a local event or training might not be accessible to everyone with a disability.

This kind of discrimination is more subtle and can be harder to spot. It often results from simply not understanding or thinking about the needs of certain groups.

- Treating a disabled person unfavourably because of something connected with their disability when this cannot be justified (known as **discrimination arising from disability**).
- Failing to make **reasonable adjustments** for disabled people e.g. making a hearing loop available at meetings where you know people will be using hearing aids.
- **Discrimination by association** occurs when someone is discriminated against because of their association with someone protected by the Equality Act.

An example might be a Bed and Breakfast refusing a block booking for your group because one of the couples are gay. This would be direct discrimination against the gay couple. It would also be discrimination against you by association.

- **Discrimination by perception** allows someone to claim discrimination even if they do not have the protected characteristic, An example would be an atheist bullied at a football match for being catholic can claim discrimination even though he is not catholic.
- It is important to remember that some people experience discrimination on several grounds – this is sometimes called **multiple discrimination**.

The law also protects against:

- **Harassment** is when an individual is subjected to unwanted conduct which has the intent or effect of violating someone's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment.

An example of this would be when a person has made inappropriate sexual comments about a colleague's clothing.

- **Victimisation** is where an individual has sought to enforce their rights, or helped another to do so, and as a result is treated less favourably than others who have not complained.

An example of this would be when a person is excluded from a social work/ work event because they have complained about the conduct of a colleague.

What responsibilities does East Lothian Council have under the Act?

As a local authority, East Lothian Council is required to implement the Public Sector Equality Duty in addition to the provisions relating to employment, education and training. This is comprised of two elements, the general duty and the specific duty.

The general duty was developed for public bodies recognising the significant impact that the delivery of public services has on people's lives. The general duty is designed to ensure that, if followed, services are designed to meet the diverse needs of the community and also builds inclusive services. The three general duties are to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The **specific duty** is designed to help authorities to put the general duty into practice. It includes a requirement for the authority to:

- Report on mainstreaming the equality duty
- Publish equality outcomes and report progress
- Assess and review policies and practices
- Gather and use employee information

- Publish gender pay gap information
- Publish statements on equal pay
- Consider award criteria and conditions in relation to public procurement
- Publish in a manner that is accessible

Section 2: How we developed the Equality Plan

Outcomes are the consequences of the actions that we undertake; things that make a difference to the lives of people.

This Equality Plan builds on the previous Equality Plan which was developed after a series of consultations with local groups and individuals. These outcomes continue to reflect the needs of our communities, and reflect ongoing work to achieve positive outcomes for individuals and communities across the county.

To inform our outcomes we continue to:

- engage with people with protected characteristics;
- engage with voluntary and third sector organisations that work with equalities groups;
- consider equality issues raised by members of staff and the community previously;
- look at what existing service areas are doing to advance equality;
- look at external factors which will impact on local people and the way in which the Council delivers services

Factors influencing the new Equality Plan

East Lothian continues to grow and change. There are many factors which influence people's individual circumstances and their life experiences. In developing this plan, the following factors influenced the development of the plan.

- 1) Welfare Reform and the roll out of Universal Credit; East Lothian was the first local authority area to roll out full universal credit in Scotland.
- 2) Findings of the East Lothian Poverty Commission Report [‘Challenging Perceptions. Overcoming Poverty’](#)
- 3) Implications of the Community Empowerment (Scotland) Act 2015;
- 4) Continuing Gender based Violence in the community and its impact on individuals and families;
- 5) Welcoming of Syrian Refugee families;
- 6) Increasing diversity across our population
- 7) Implications of the Local Development Plan; including the increasing diversity of our population
- 8) Living Wage;

- 9) Focus on Digital Services;
- 10) Wider Council Transformation Programme; and
- 11) Brexit and potential implications for Equality and Human Rights legislation arising from the exit of the EU.

Local communities across East Lothian remain active in highlighting equality and inclusion issues that are affecting their lives. These include:

- 1) LGBT equality in local schools and communities; including support for transgender pupils;
- 2) Sex (Gender) Equality issues, including domestic abuse, female representation on boards, maternity leave and mental health for new parents;
- 3) The impact of Poverty- particularly on women and children, including access to sanitary products; increase the demand for emergency food provision and continually increasing number being referred to local foodbanks
- 4) Understanding the needs of vulnerable families;
- 5) Hate crime experienced by local BME communities, particularly BME business owners, those with physical and learning disability, LGBT hate crime;
- 6) Promoting understanding of mental health, including suicide awareness and prevention;
- 7) Inclusion of children with additional support needs in mainstream services and fun activities;
- 8) Ensuring our services are accessible to all regardless of age, race or disability; and
- 9) Requests for meeting spaces to meet religious needs during special religious periods

For our services, emerging issues include:

- 1) Supporting services including schools, housing services and care homes to consider transgender equality, and ensure a positive experience for those who need services;
- 2) Continued issue of high levels of sex (gender) based violence, including emerging issues of GBV in dementia households;
- 3) Facilitating interpretation and translation services across a broader range of services, including British Sign Language;
- 3) Dealing with concerns about racism and victimisation in the community;

- 4) Dealing with service users in distress as a result of the impact of welfare reform including expressing suicidal thoughts;
- 5) Supporting sports clubs to consider equality and inclusion and encouraging them to think about these issues differently;
- 6) Supporting those providing Early Years services to think about inclusive play and the importance of equality in early years;
- 7) Meeting the needs of Syrian refugee families:

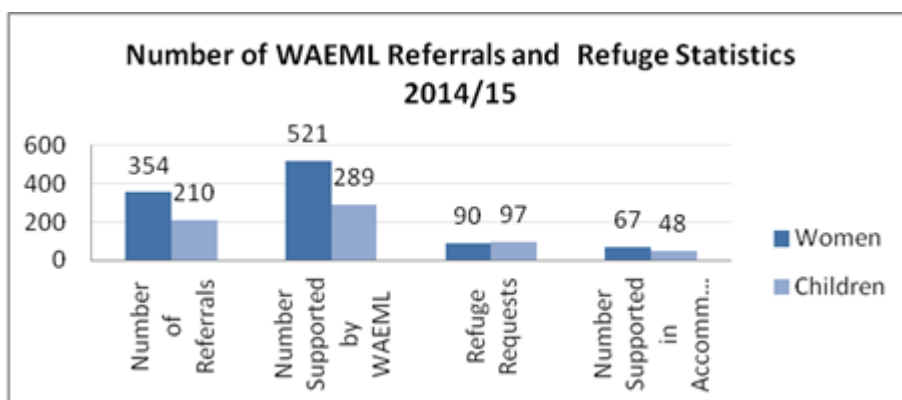
Equality Evidence Review – Some highlight information

- East Lothian Council employees as at 31 03 2017: Of the Council’s 4465 employees 71% are female employees. 39% of the Council’s workforce is made up of women working part time. 24% (1077) of the council’s male employees work full time. These figures show that men and women participate in the workforce differently.
- **Violence Against Women**
 - Rate per 10,000 population of domestic abuse incidents recorded by the Police, East Lothian and Scotland (Scottish Government 2016)

Per 10,000 population	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
East Lothian	75	76	95	92	98	93	101	101	98	88
Scotland	95	97	104	99	106	113	113	110	112	108

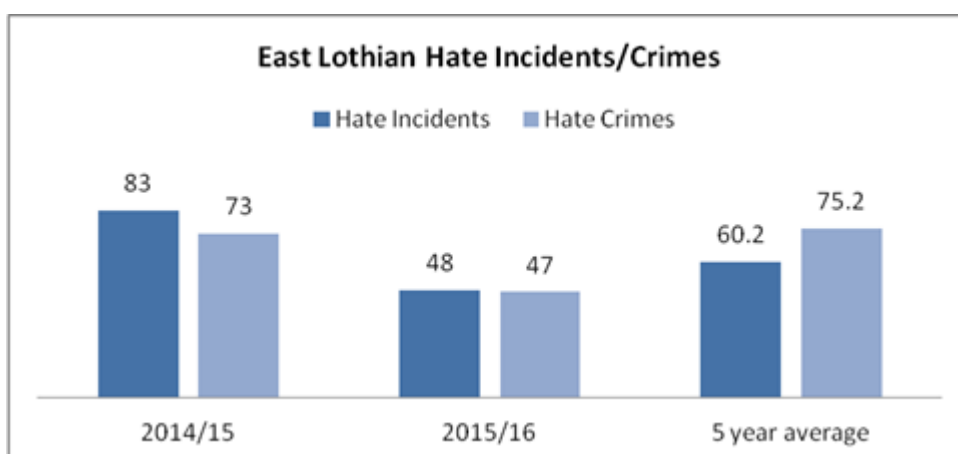
- East and Midlothian have a joint support agency for women, children and young people who experience – or are at risk of experiencing – domestic abuse and violence. The graph below shows the number of referrals and number refuge statistics for women and children across both East and Midlothian. These numbers have been kept together to protect from disclosure.
- The occupancy rate for refuge accommodation during 2014/15 was 92%, with women and children receiving weekly worker support on admission and throughout their stay.

Number of referrals, and refuge statistics, for Women's Aid East and Midlothian in 2014/15 (Women's Aid East and Midlothian 2016).



- **Hate Crime:**

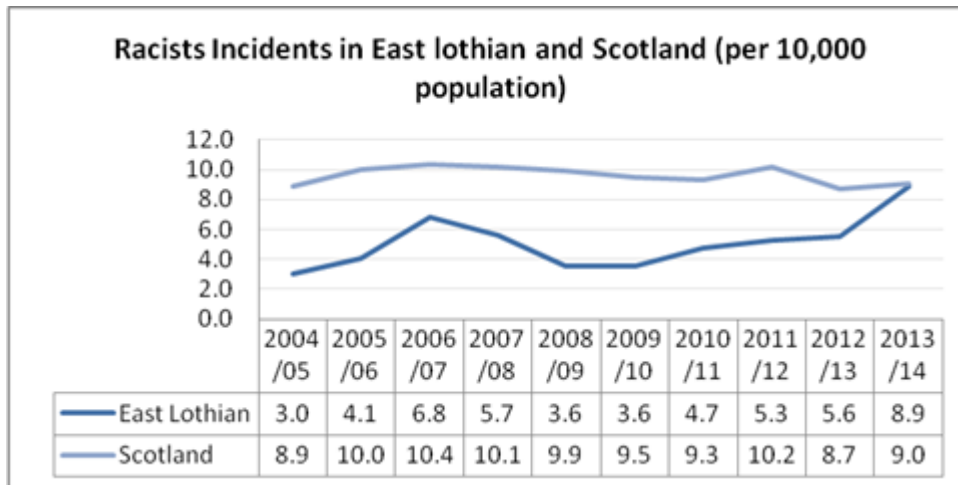
- Number of Hate Crime in East Lothian (Police Scotland 2016).



- **Racist Incidents**

- The graph below shows the number of racist incidents in East Lothian and Scotland over the last 10 years. The number of recorded racist incidents in East Lothian has nearly trebled over this period. East Lothian historically had less racist incidents than Scotland but the figure is now at a similar level.

- Number of recorded racist incidents in East Lothian and Scotland (Scottish Government 2016).



- **Health and Wellbeing**

Life Expectancy

- Male life expectancy varies by almost 8 years between the most affluent and the most deprived areas of the county. Female life expectancy gap is 12.3 years. This highlights that although we are living longer healthier lives, some groups in the community are not benefiting equally from improvements in health.

Life Expectancy:

- Highest Male- Longniddry/Aberlady (82.8 years)
- Highest Female- Musselburgh West (89.8 years)
- Lowest Male- Prestonpans North (74.6 years)
- Lowest Female- Dunbar West (77.5 years)

Mental Health

- The ability to ‘be you’ and feel respected in the community has a big impact on an individual’s mental health and wellbeing and also their sense of community. East Lothian social attitudes show that prejudice and negative attitudes towards equality groups remain a problem in our communities.
- In the last three decades, suicide rates among young men have increased 200% and currently more young people aged 16-24 die from suicide than from road traffic accidents.

- Although the number of suicide deaths per year in East Lothian is not high, the impact of suicide on families and communities is very traumatic.
- Tackling the stigma of mental health is also important. Nationally over 80% of those who suffer from mental health problems also say that they experience stigma and discrimination as a result.

- **Adults with dementia and Alzheimer's**

There are 90,000 people in Scotland with a diagnosis of dementia. 81% of those people live within our communities, and 19% reside in a care home setting. In East Lothian there are 1,932 people with a diagnoses of dementia or Alzheimer's. We know that, statistically, 40% of these people will go missing, and 30% more than once. Improving the safety of these members of our community is a shared responsibility with partners.

Building on existing work

The Council has been working to meet the requirements of previous equalities legislation for a number of years and has developed good practice and skills arising from this work. The Council also works within a complex legislative requirements and provides a range of services for vulnerable people as required. For more information about previous equality work and examples of good practice, please read our 'Mainstreaming Equality Reports'. These are available on our website.

Section 3: Delivering Equality in East Lothian

How we can advance Equality of Opportunity

As a service provider East Lothian Council plays a significant role in people's lives. We need to ensure that our services are accessible to all those who need them and demonstrate that we have considered the diverse needs of the community when developing them. We can do this by:

- removing or minimising disadvantages suffered by people who share a relevant protected characteristic that arise from them having that characteristic;
- taking steps to meet the needs of people who share a relevant protected characteristic that are different from the needs of those who do not share it; and
- encouraging individuals or groups who share a relevant protected characteristic to participate in public life or in any other activity in which their participation is disproportionately low

Outcomes are the consequences of the actions that we undertake; things that make a difference to the lives of people. East Lothian Council has set the following equality outcomes to work towards. These outcomes reflect the work that is being undertaken to mainstream equality into all areas of the Council's work and the work we do in partnership with others. Therefore the outcomes reflect the priorities and outcomes outlined in the Council Plan and the draft East Lothian Plan (Local Outcome Improvement Plan).

East Lothian Council Equality Outcomes 2017-2021

1. East Lothian Council is a positive workplace for all employees

- East Lothian Council will strive to be a workplace free of harassment and discrimination.
- East Lothian Council will continue to monitor and review pay grades to ensure any pay differentials are fair and appropriate in terms of work undertaken
- East Lothian will continue to promote a range of flexible employment practices that affords our employees a better work life balance and choices whilst meeting business needs
- East Lothian Council strives to ensure through positive action our workforce reflects the local community demographics

- East Lothian will strive to develop and promote employment opportunities for young people of East Lothian both within the Council and across the local business community.
- East Lothian Council will have a range of opportunities for employees to develop successful career paths

2. All of East Lothian’s young people are successful learners, confident individuals, effective contributors and responsible citizens

- Close the gap in educational outcomes for those children and young people impacted by socio-economic disadvantage
- Close the gap in literacy rates between boys and girls in primary school
- Improve the health and wellbeing of children and young people with protected characteristics

3. In East Lothian we live healthier, more active and independent lives

- See East Lothian Health & Social Care Partnership Equality Outcomes 2016 – 2018 [here](#)

4. Everyone in East Lothian has access to quality sustainable housing *

- People with particular needs are able to get and sustain their choice of housing, including independent living
- Increase housing supply and improve access to housing, including affordable housing

*Please note that a new Local Housing Strategy is currently under development and new outcomes will be consulted on in September and October 2017. Once available these will be incorporated into the Equality Plan.

5. Fewer people are the victim of crime, disorder and abuse in East Lothian

- Improved levels of safety for women and children experiencing domestic abuse
- Reduced incidence of hate crime
- Increased confidence in reporting hate crime

6. East Lothian has strong, vibrant communities where residents have a sense of belonging

- East Lothian equalities communities can meet to celebrate or raise awareness of cultural heritage or specific issues affecting them
- East Lothian Communities are well informed and can influence decisions that matter in their local areas

7. Fewer people experience poverty in East Lothian

- Local communities are empowered to tackle poverty
- The causes of poverty are tackled and the impact of poverty is reduced or mitigated against.

8. East Lothian Council services will meet the needs of all those in the community

- Equality and socio-economic disadvantage is taken into account when planning and designing services and when making decisions
- East Lothian Council has increased knowledge and capacity about equality, diversity and poverty
- East Lothian Council Procurement Practices ensure equality is a core part of the tendering process
- East Lothian Council is meeting its responsibilities and duties under the Equality Act 2010 and subsequent Regulations

Section 4: East Lothian Council as an Education Authority

East Lothian Education Authority aim to provide the best education service in Scotland through a relentless focus on Inclusion, Achievement, Ambition and Progress for All. We will all work together to Get it Right for Every Child and to ensure that all children and young people are Safe, Healthy, Nurtured, Active, Respected, Responsible and Included. We believe that our common moral purpose will be realised through the actions set out in this Plan and reinforced by the actions taken across our schools and services to improve the quality of experience we provide for children, young people and their families.

In 2016/17 there were 8,492 pupils in East Lothian Council's 35 primary schools, 5,641 pupils in six secondary schools, and 2,454 children accessing 600 hours of early learning and childcare across 33 Local Authority nurseries and 19 private and voluntary sector partnership centres. Specialist provision in enhanced learning centres was provided within 5 of our mainstream primary and 3 of our mainstream secondary schools in 2016/2017, with 49 primary pupils and 47 secondary pupils attending during the year.

To realise this vision we will:

- act with ambition and integrity to open minds to the rights and values of education and help everyone to achieve their potential;
- work together to nurture all our children and young people;
- demonstrate a community working together to make that difference for every child; and
- collectively strive for excellence and equity for all

Our theme to help us collectively deliver on our common moral purpose and our vision is 'Know your gap, Know your impact'.

Our vision and values for education within East Lothian Council align with the Key Priorities in the National Improvement Framework for Scottish Education 'Achieving Excellence and Equity' (*Scottish Government, January 2016*) and Delivering Excellence and Equity in Scottish Education (*Scottish Government, June 2016*):

- Improvement in attainment, particularly in literacy and numeracy;
- Closing the attainment gap between the most and least disadvantaged children;
- Improvement in children and young people's health and wellbeing; and
- Improvement in employability skills and sustained, positive school leaver destinations for all young people

The Education Service Improvement Plan sets out the action the Service needs to take to improve outcomes for children and young people and the way in which it will measure success in delivering improvements. The Standards in Schools (Scotland) Act 2000, as amended 2016, sets out new duties placed on education authorities in planning for improvement. To fulfil our "due regard" duty we need to understand the impact that our

strategic decisions have (or are likely to have) on educational outcomes for those children and young people impacted by socio-economic disadvantage. There is a requirement to focus our efforts on those in disadvantaged communities and those who experience poverty. The Education Service has to:

- Identify those decisions of a strategic nature they take
- Consider how these can be taken and given effect to in a way which addresses the disparity in educational outcomes whilst raising attainment for all

Our shorter-term equality outcomes are:

- Close the gap in educational outcomes for those children and young people impacted by socio-economic disadvantage
- Close the gap in literacy rates between boys and girls in primary school
- Improve the health and wellbeing of children and young people with protected characteristics

Steps taken by East Lothian Council Education Service to plan for improvement include:

- carrying out a self-evaluation audit of performance using relevant Quality Frameworks;
- involving key stakeholders in the review of current priorities, identification of new priorities and anticipated impact and outcomes;
- preparing a Standards and Quality Report which reflects the results of the self-evaluation audit across the Service and all education settings, including recent evaluations from an external scrutiny agency such as Education Scotland;
- identifying aspects of performance in which improvement is necessary; and
- taking account of new national guidance and policy

The purpose of the Education Service Improvement plan 2017-18 is to set out three different things:

- Steps proposed to reduce inequalities of outcome for pupils experiencing them as a result of socio-economic disadvantage;
- Steps proposed to comply with Authorities' duty to consult with and advise specific persons specified in legislation when making decisions of a strategic nature about the carrying out of school education functions; and
- Steps proposed in pursuance of the four National Improvement Framework (NIF) priorities.

The Education Service Improvement Plan is informed by and links to the Outcomes in East Lothian Council's Plan 2017-2020, the Integrated Children and Young People's Service Plan, The East Lothian Poverty Commission Report and the 2017-2021 Equalities Plan.

Integrated Impact Assessment (IIA)

The East Lothian Council Education Authority will use the Integrated Impact Assessment Tool that has been developed by East Lothian Council. All reports presented to the Council committees proposing new policies or guidelines setting out new functions, or proposing any other changes with implications for equality strands will include details of the results of the impact assessment.

Publication

Information about all Education functions, including a copy of this Plan, Annual Reports and results of impact assessments will be published on the Council website and Edubuzz.

Section 5: East Lothian Council: Licensing Board

The East Lothian Licensing Board is constituted in terms of the Licensing (Scotland) Act 2005 and the Gambling Act 2005. The regimes under these Acts set out broad aims which the Board must and will support in all its functions. The pursuit of these aims is a principal feature of this Board's statement of policy. A copy of the Board's Statement of Licensing Policy can be viewed

http://www.eastlothian.gov.uk/downloads/download/524/east_lothian_licensing_board_statement_of_policy-licensing_scotland_act_2005.

The Board's Statement of Gambling Principles can be viewed

http://www.eastlothian.gov.uk/downloads/file/11817/statement_of_principles_2016-2019

The Licensing (Scotland) Act 2005:

- Preventing crime and disorder;
- Securing public safety;
- Preventing public nuisance;
- Protecting and improving public health ; and
- Protecting children from harm

The Gambling Act 2005:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable young persons from being harmed or exploited by gambling

Our Outcomes

In all the Licensing Board's work we will contribute to the long term outcome:

'Fewer people are the victim of crime, disorder and abuse in East Lothian'.

Our short-term priorities include:

- Developing the Licensing Application process to ensure fair access, including the development of electronic applications

- Licensing Board works in partnership with a range of stakeholders to ensure the most effective decisions are made to meet the aims of the Board
- Licensing Board works with license holders and other Council services to support positive behaviour on and around license premises.

Gathering Information

The Licensing Board works with a range of partners to ensure that they have the appropriate information they need to make the right decisions about applications presented. Key partners include police, health and fire services, anti-social behaviour team, community councils, child protection teams and any other relevant stakeholders. Where relevant this can include information about equalities issues and experiences of equality groups in the community.

Integrated Impact Assessment

The East Lothian Licensing Board will use the Integrated Impact Assessment Tool that has been developed by East Lothian Council. All reports presented to the Board proposing new policies or guidelines setting out new functions, or proposing any other changes with implications for equality strands will include details of the results of the impact assessment.

Publication

Information about all Licensing functions, including a copy of this Plan, Annual Reports and results of impact assessments will be published on this page

<http://www.eastlothian.gov.uk/downloads/1125/licences>

Section 6: East Lothian Council as an Employer

East Lothian Council's vision is to be "an Employer of Choice" delivering quality services needed by the residents of East Lothian and this is fundamental to the People Strategy. The four key drivers identified as crucial to delivering on this are as follows:

- High achieving leadership and management
- Building workforce capacity
- Competitive recruitment and retention
- Positive employment experience

Key areas of work include:

- Fair and equitable Pay and Grading Structures
- Equality in recruitment and selection
- Conditions of service
- Prevention of harassment
- Employee development

Fundamental to achieving this goal is equality of employment opportunities and the Council strives to ensure that equal opportunities underpin all aspects of employment and employment policies.

Equal Pay

East Lothian Council is committed to the principle of equal pay for all our employees. This is outlined in the Council's Equal Pay Statement.

Our Employment Outcome:

Our long-term outcome is that 'East Lothian Council is a positive workplace for all employees'.

Our long-term outcome is that 'East Lothian Council is a positive workplace for all employees'. To achieve this we have set a number of shorter-term outcomes as follows:

1. East Lothian Council will strive to be a workplace free of harassment and discrimination.
2. East Lothian Council will continue to monitor and review pay grades to ensure any pay differentials are fair and appropriate in terms of work undertaken

3. East Lothian will continue to promote a range of flexible employment practices that affords our employees a better work life balance and choices whilst meeting business needs
4. East Lothian Council strives to ensure through positive action our workforce reflects the local community demographics
5. East Lothian will strive to develop and promote employment opportunities for young people of East Lothian both within the Council and across the local business community.
6. East Lothian Council will have a range of opportunities for employees to develop successful career paths

The Council provides a range of work that supports the equalities agenda including:

- A comprehensive Employee Assistance programme occupational health and physiotherapy provision
- Use of Disability Confident Symbol
- Taking the See Me campaign pledge
- Healthy Working Lives
- Flexible employment policies and practices
- Facilitates a successful school work experience programme
- Investors in People Accreditation
- Investors in Young People

Section 7: Mainstreaming Equality

'Mainstreaming equality' means taking equality into account in the way East Lothian Council undertakes its day to day functions. In practice this means that we think about equality as a core part of everything that we do from our employment practices to the services we plan and provide.

Mainstreaming equality has a number of benefits including:

- Embedding equality into the culture of the Council and influencing our attitudes and behaviours;
- Allowing the Council to demonstrate how we are meeting our legal obligations to promote equality; and
- Allowing us to continually improve our performance and the services we plan and provide.

Key ways we can help to ensure we consider equality as part of everything we plan and do:

1. Ensuring high-level commitment to Equality through all levels of the Council structures and planning procedures.
2. Understanding the impact of our work
3. Gathering information about the experiences of equality groups
4. Building organisational capacity
5. Ensuring that those who provide services on our part consider equality
6. Working in partnership with others.

Detailed information about how the Council has mainstreamed equality can be found in the Mainstreaming Equality Reports that can be accessed on the Council website.

Ensuring high level commitment to Equality through all levels of the Council structures and planning procedures.

- **Service Planning and Performance -**

The service planning process at East Lothian Council aligns high level partnership plans with individual corporate plans which influence the development of service plans within the Council different departments and service areas. In this way we can see that plans are interconnected and combine to ensure that the desired outcomes are successfully achieved.

Understanding the Impact of our work

- **Integrated Impact Assessment (IIA)**

East Lothian Council has developed an 'Integrated Impact Assessment Tool' to allow us to examine the impact of our decisions on the community. The tool brings together key social, environmental and economic priorities to highlight whether the decisions we make or the plans we put in place will have a positive, neutral or negative impact in the community. The process also helps the Council to be more transparent and accountable for the decisions we make.

East Lothian Council requires all reports to the Council committees to include the findings of the Integrated Impact Assessment where proportionate and relevant.

Integrated Impact Assessments are published on the Council's website.

- **Equalities Monitoring**

Equalities 'Monitoring', means gathering and analysing information on the personal characteristics of our service users. Gathering information about our service users helps us to understand the profile of our community, who is and who isn't using our services and what people think of them.

Equalities monitoring allows us to establish:

- The nature or extent of inequality
- The areas where action is most needed to encounter inequality

- Whether or not measures aimed at reducing inequality are succeeding

East Lothian Council's 'A Guide to Monitoring Equalities in Council Services' provides clear guidance on how to monitor equalities effectively in service areas, and is currently being updated.

- **Self Evaluation**

'SELFIE' is used across East Lothian Council to assist services and the Council as a whole to evaluate how well it is doing in a rigorous, robust, systematic and consistent way. It provides a framework with which all services will be able to identify their strengths and areas of development, thereby allowing learning and improvement to take place throughout the Council. The framework picks up on both qualitative and quantitative information and encourages service areas to collect examples from practice to demonstrate and evidence their self evaluation.

- **Reporting on equalities performance**

The Council has developed a series of performance indicators which relate to equalities. These comprise both statutory performance indicators and indicators gathered through service plans or the Single Outcome Agreement/ Local Outcome Improvement Plan.

Key Performance Indicators (including the Statutory Performance Indicators) are published on the Council's performance website: <http://www.eastlothian.gov.uk/performance/>

The Key Performance Indicators are reported to the Policy & Performance Review Committee for scrutiny by the Elected Members. Performance reports are also analysed by the Council Management Team and the Executive Team. Indicators relating to equalities are reported in relation to several outcomes and also in relation to the outcome of 'Prioritising prevention and promoting equality'.

Gathering Information about the experiences of equality groups

East Lothian Council recognises that gathering evidence about the needs and experiences of those with protected characteristics is an important way for us to plan and deliver services that meet the needs of the community. Further, having this information also helps us to assess the impact of proposed and revised policies.

We seek to:

- Identify what issues people in local communities are facing which might be stopping them from accessing our services or making it harder for them to access our services
- Learn more about the diverse experiences of people in the community
- Build trust and improve communication with harder to reach communities

- Understand which issues are within the remit of the Council to address, together with our partners where relevant.

The Council does this in a number of ways including community engagement, research and working in partnership with other specialist organisations.

Community Engagement-

A range of opportunities for people living in East Lothian to connect with and influence the services they use. These include:

- contact with their local elected representatives
- community councils
- the East Lothian Citizens Panel and Residents Survey
- participation opportunities with individual council services including Residents Review
- Community and Policing Partnerships
- Opportunities under the Community Empowerment Act.

East Lothian Partnership and its constituent organisations also engage with the business community and other communities of interest in a variety of ways, including:

- Area Partnerships;
- participation in collective groups such as East Lothian Golf Tourism Alliance, East Lothian Tourism Attractions Group and the Food and Drink Business Improvement District;
- Tenants and Residents Associations;
- Community Care Forums;
- Looked After Children Champions Board

We recognise that for some equality groups there may be additional barriers to getting involved in their community. To address this we are working with colleagues to raise awareness of how to increase participation from under represented groups. This includes written guides and materials, community based training and bespoke opportunities for equality groups to get together.

Building Organisational Capacity

- **Equality Training Plan**

Equality and diversity training is a key way forward for all employees to understand more about the meaning and importance of equality and diversity, and the impact of prejudice and discrimination. The Council developed an Equality Training Plan in 2016 to identify and clarify how learning and development in relation to equality and diversity contributes to the achievement of the culture change described in the 'East Lothian Way'. The aims of the Equality Training Plan are:

- To ensure that East Lothian Council is able to meet its general and specific duties under equalities and human rights legislation;
- To provide employees with opportunities for learning and awareness of their role and responsibilities under Equality and Human Rights legislation; and
- To develop a skilled, motivated and culturally capable workforce that can bring about changes that will improve services and tackle inequalities

Key aspects of the training plan include:

- Training and development for Elected Members;
- Bespoke training opportunities , including inter-agency training;
- E-Learning;
- Equality Guides and Online Resources; and
- Individual Support and Guidance

Procurement & Ensuring that those who provide services on our behalf also consider equality

East Lothian Council ensures that all duties under the Equality Act will be integral to the procurement process. The Council's current Corporate Procurement Policy contains clauses to ensure the equality of opportunity in relation to service provision and employment. The Council also actively supports the use of Article 19 (regulation 7) and is actively working to ensure that at least some Council contracts are with supported businesses.

Work in partnership with others

The Community Empowerment Act brings new responsibilities and opportunities for partners to facilitate and resource community planning arrangements and support community planning. As part of the development of the new Local Outcome Improvement

Plan, the partners will work to refresh the 'Tackling Inequality Framework' that supported the previous Single Outcome Agreement commitment to tackling poverty and exclusion.

Fostering Good Relations

The requirement of the Equality Act is to foster good relations between those who have a protected characteristic and those who do not. There are two significant components to this work:

- tackling prejudice
- promoting understanding

East Lothian has strong and active communities with high levels of satisfaction about the places people live reported through local resident's surveys. However, despite a positive picture we are aware that there are pockets within our communities where tensions exist. East Lothian's population is changing and across the country we have seen a growth in support for far right political parties, increasing concerns about immigration, incidents of hate crime and global terrorist incidents. This highlights the importance of working towards community cohesion and it challenges us to build consideration about how our work can help to foster good relations in all aspects of our work.

We have included 'promotes good relations' as a core policy theme within our new Integrated Impact Assessment process to help us ensure we maximise our awareness of this area of work.

Section 8: Keep in touch / contact us

You can find out more information about equalities work in East Lothian by visiting the equalities section www.eastlothian.gov.uk

Contact us

You can get in touch with us by:

- **Email:** equalities@eastlothian.gov.uk
- **Phone:** 01620 827136
- **Write to:** Equalities Officer
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Haddington
EH41 2HA